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1999

Illinois Register

Rules of Governmental Agencies

Volume 23, Issue 17 — April 23, 1999

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Administrative Code Div.
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Secretary of State



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TABLE OF CONTENTS

April 23, 1999 Volume 23, Issue 17

PROPOSED RULES

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

Affordable Housing Program	47 Ill. Adm. Code 360	4579
----------------------------	-----------------------	------

HUMAN SERVICES, DEPARTMENT OF

Administration	35 Ill. Adm. Code 101	4584
Temporary Assistance For Needy Families	89 Ill. Adm. Code 112	4586
Treatment and Rehabilitation Services	35 Ill. Adm. Code 112	4598

NATURAL RESOURCES, DEPARTMENT OF

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, And Rabbit Hunting	17 Ill. Adm. Code 531	4617
Crow, Woodcock, Snipe, Rail And Teal Hunting	17 Ill. Adm. Code 740	4638
Dove Hunting	17 Ill. Adm. Code 730	4648
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver And Woodchuck (Groundhog) Trapping	17 Ill. Adm. Code 570	4660
Operation Of Watercraft Carrying Passengers For Hire On Illinois Waters	17 Ill. Adm. Code 2080	4667
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote And Woodchuck (Groundhog) Hunting	17 Ill. Adm. Code 530	4671
Squirrel Hunting	17 Ill. Adm. Code 690	4679
The Taking Of Wild Turkeys-Fall Archery Season	17 Ill. Adm. Code 720	4687
The Taking Of Wild Turkeys-Fall Gun Season	17 Ill. Adm. Code 715	4696

POLLUTION CONTROL BOARD

Hazardous Waste Management System-General	35 Ill. Adm. Code 720	4700
Identification And Listing Of Hazardous Waste	35 Ill. Adm. Code 721	4736
Interim Status Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities	35 Ill. Adm. Code 725	4762
Land Disposal Restrictions	35 Ill. Adm. Code 728	4793

RCRA And UIC Permit Programs	35 Ill. Adm. Code 702	4925
RCRA Permit Program	35 Ill. Adm. Code 703	4944
Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities	35 Ill. Adm. Code 724	4993
Standards For The Management Of Specific Hazardous Waste And Specific Types Of Hazardous Waste Management Facilities	35 Ill. Adm. Code 726	5032
Standards for Universal Waste Management	35 Ill. Adm. Code 733	5051

PUBLIC HEALTH, DEPARTMENT OF

Hearing Screening	77 Ill. Adm. Code 675	5062
-------------------	-----------------------	------

ADOPTED RULES

HUMAN SERVICES, DEPARTMENT OF

Customer Rights And Responsibilities	89 Ill. Adm. Code 677	5072
Public Information, Rulemaking And Organization	2 Ill. Adm. Code 1025, Repeal	5078

PUBLIC HEALTH, DEPARTMENT OF

Private Sewage Disposal Code	77 Ill. Adm. Code 905	5080
------------------------------	-----------------------	------

TRANSPORTATION, DEPARTMENT OF

Driving And Parking	92 Ill. Adm. Code 397	5090
Driving Of Motor Vehicles	92 Ill. Adm. Code 392	5093
Hours Of Service Of Drivers	92 Ill. Adm. Code 395	5096
Inspection, Repair And Maintenance	92 Ill. Adm. Code 396	5101
Motor Carrier Safety Regulations-General	92 Ill. Adm. Code 390	5105
Parts And Accessories Necessary For Safe Operation	92 Ill. Adm. Code 393	5124
Procedures And Enforcement	92 Ill. Adm. Code 386	5128
Qualification Of Drivers	92 Ill. Adm. Code 391	5133

EMERGENCY RULES

HUMAN SERVICES, DEPARTMENT OF

Administration
59 Ill. Adm. Code 1015138

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

ELECTIONS, STATE BOARD OF
Established Political Party And Independent Candidate Nominating
Petitions
26 Ill. Adm. Code 201, Withdrawal5177
New Political Party Nominating Petitions
26 Ill. Adm. Code 202, Withdrawal5178

NOTICE OF CORRECTION TO NOTICE ONLY

ELECTIONS, STATE BOARD OF
Approval of Voting Systems
26 Ill. Adm. Code 2045179

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received5180

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

99-7 Executive Order Creating the Office of Statewide
Performance Review5182
99-8 Executive Order Creating the Illinois Office of
Strategic Planning5185
99-9 An Executive Order on the Office of Alcoholism
and Substance Abuse Within the Illinois Department
of Human Services5186

PROCLAMATIONS

99-078 Day of Prayer (Revised)5188
99-091 Sky Awareness Week5188
99-092 Disaster Area - Kankakee County5188
99-081 Polish Women's Civic Club, Inc. Day (Revised)5189
99-087 Music Education Day (Revised)5189
99-093 Illinois Department of Corrections Volunteer Week5189
99-094 Infant Immunization Awareness Week5190
99-095 Protecting Illinois Children Week5190
99-096 Records and Information Management Week5191

99-097 Sexual Assault Awareness Month5191
99-098 Veterinary Medical Education Week5192
99-099 Zeta Phi Beta Sorority Week5192
99-100 4-H Day5193
99-101 Trinity Christian College Day5193
99-102 Armenian Martyrs Day5193
99-103 Our World - Underwater Scholarship Society Days5194
99-104 American POW/MIA Recognition Day5194
99-105 D.A.R.E. Day5195
99-106 Greek Independence Day5195
99-107 Illinois Health Care Association Week5196
99-108 Illinois Security Chiefs Association Day5196
99-109 Student - Athlete Day5196
99-096 Records and Information Management Week (Revised)5197
99-110 Assyrian New Year Day5197
99-111 Chicago Memorial Parade Day5198
99-112 Linda Renee Baker Day5198
99-113 Public Health Week5199
99-114 Autism Awareness Month5199
99-115 Francis Cardinal George Day5200
99-116 Model "A" Days5200
99-117 Family Rescue Day5200
99-118 Savings Month5201
99-119 Week of the Young Child5201
99-120 Nurses Week5202
99-121 Telecommunicator Week5202
99-122 Welding Week5203

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 16, 1999 - Issue 16: Through March 31, 1999
July 16, 1999 - Issue 29: Through June 30, 1999
October 15, 1999 - Issue 42: Through September 30, 1999
January 14, 2000 - Issue 3: Through December 31, 1999 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.

** Tuesday following a state holiday.

*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Affordable Housing Program
- 2) Code Citation: 47 Ill. Adm. Code 360
- 3) Section Numbers:
360.601 Proposed Action:
360.602 Amendment
 Amendment
- 4) Statutory Authority: Implemented and authorized by the Illinois Housing Development Act [20 ILCS 3805].
- 5) A Complete Description of the Subjects and Issues Involved: A change in the maximum loan and grant amount.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rulemaking does not create a State Mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Lori Silver, Esq.
401 N. Michigan Ave., Suite 900
Chicago, Illinois 60611
(312) 836-7341

The Authority will consider all written comments received at the above address within 45 days after the date of publication of this *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: It will have no impact on any small business.
- B) Reporting, bookkeeping or other procedures required for compliance:
No new requirements.
- C) Types of professional skills necessary for compliance: No new professional skills needed.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in the most recent regulatory agenda because: The rulemaking was not anticipated when the agenda was published.

The full text of these Proposed Amendment begins on the next page.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 360

AFFORDABLE HOUSING PROGRAM

SUBPART A: GENERAL RULES

Section	
360.101	Authority
360.102	Purpose and Objectives
360.103	Definitions
360.104	Borrowing by the Authority
360.105	Compliance with Federal Law
360.106	Standards - Criteria
360.107	Forms and Procedures for the Program
360.108	Fees and Charges of the Authority
360.109	Waiver (Repealed)
360.110	Amendment
360.111	Severability
360.112	Gender and Number
360.113	Titles and Captions
360.114	Calendar Days

SUBPART B: USES

Section	
360.201	Recipients
360.202	Beneficiaries
360.203	Permitted Uses of Trust Fund Monies
360.204	Market Rate Developments

SUBPART C: APPLICATION

Section	
360.301	Application
360.302	Form
360.303	Review
360.304	Initial Contact
360.305	Site and Market Study/Rental Analysis
360.306	Feasibility Determination (Repealed)
360.307	Staff Recommendation
360.308	Advisory Commission
360.309	Authority Determination
360.310	Conditional Commitment

SUBPART D: NOTICE

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

Section	
360.401	Notification by Authority
360.402	Comments and Responses

SUBPART E: RECIPIENT

Section	
360.501	Eligible Applicants (Repealed)
360.502	Land Trusts
360.503	Books and Records
360.504	Audits
360.505	Annual Financial Report
360.506	Furnishing Information
360.507	Standards for Approval of Conveyance

SUBPART F: LOANS AND GRANTS

Section	
360.601	Maximum Loan Amount and Priority
360.602	Maximum Grant Amount
360.603	Increase Above Maximum Loan or Grant Amount
360.604	Amortization
360.605	Recapture of Assistance
360.606	Prepayment of Loan

SUBPART G: CONSTRUCTION

Section	
360.701	Design and Construction Standards

SUBPART H: MARKETING AND MANAGEMENT

Section	
360.801	Marketing and Management
360.802	Marketing and Management Plans
360.803	Maintenance
360.804	Cost of Service

SUBPART I: TENANTS AND OCCUPANCY

Section	
360.901	Displacement
360.902	Relocation Plan
360.903	Tenant Selection Plan and Participant Selection Plan
360.904	Income and Housing Expense Limits
360.905	Non-Discrimination

SUBPART J: ENERGY EFFICIENCY

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

Section
360.1001 Standards

SUBPART K: CERTIFICATIONS

Section
360.1101 Environmental Assessment
360.1102 Other Laws

AUTHORITY: Implementing Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)] and authorized by Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3605/7.19 and 7.25].

SOURCE: Emergency rules adopted at 14 Ill. Reg. 2094, effective January 22, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 9117, effective May 24, 1990; amended at 15 Ill. Reg. 17088, effective November 19, 1991; emergency amendment at 18 Ill. Reg. 2124, effective January 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8663, effective May 25, 1994; amended at 22 Ill. Reg. 4321, effective February 4, 1998; amended at 23 Ill. Reg. 3692, effective March 15, 1999; amended at 23 Ill. Reg. _____, effective _____.

SUBPART F: LOANS AND GRANTS

Section 360.601 Maximum Loan Amount and Priority

Loans shall not exceed \$1,250,000 \$500-000-00 for each Recipient. Priority shall be given to those applications which propose the lowest per unit total cost, lowest monthly housing expense, and longest affordability restrictions.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 360.602 Maximum Grant Amount

Grants to a Very Low-Income Household by a Recipient shall not exceed \$5,000. Grants to a Low-Income Household by a Recipient shall not exceed 3,000 \$27500. Grants to organizations or corporations shall not exceed \$750,000 \$500-000-00. Grants are not available to for-profit entities. All other provisions of this Part apply to Grants made by the Authority.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Administration

2) Code Citation: 59 Ill. Adm. Code 101

3) Section Numbers: Proposed Action:
101.20 Amended
101.30 Amended
101.40 Repealed
101.70 Amended
101.75 Amended
101.80 Amended
101.90 Amended
101.100 Amended
101.110 Amended

4) **Statutory Authority:** Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105], Section 6, 18.1, 20 and 22 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/6, 18.1, 20 and 22], Section 3.06 of the Specialized Living Centers Act [405 ILCS 25/3.06], Section 4A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101], Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] and Bogard et al. V. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].

5) **A Complete Description of the Subjects and Issues Involved:** This rulemaking is amending many Sections of the Part. The amendments to Sections 101.110 and the repeal of Section 101.70 are part of the Department's effort to consolidate all the rules related to hearings covered by the Illinois Administrative Procedures Act. The amendments to the other Sections are part of the transfer of the rule from the Department of Mental Health and Developmental Disabilities to the Department of Human Services.

These amendments are mostly corrections of cites to ILCS, changing the rules to conform with DHS organization, and changes to the style of the rule in keeping with the current style manual.

6) Will this proposed rule replace an emergency rule currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included one either of the 2 most recent agendas because: This rulemaking was not anticipated.

The full text of the Proposed Amendment(s) is identical to the Emergency rulemaking which appears on page _____ in this issue of the *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: 112.131
112.134
112.141
112.155
112.250
Proposed Action: Amendment
Amendment
Amendment
Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) A. Complete Description of the Subjects and Issues involved: The financial eligibility determination for TANF cash assistance is being simplified by this rulemaking. These proposed amendments eliminate the first financial eligibility test for active clients (i.e., gross income compared to the Federal Poverty Level). There is no adverse impact on clients as the second test, which is a comparison to the payment level, remains the same. These proposed amendments also correct an error that exists in 89 Ill. Adm. Code 112.250. These provisions currently indicate that if the amount of a recipient unit's grant would be greater than \$0 but less than \$11, the recipient unit would not receive a grant. This error is being corrected by changing \$11 to \$1.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes
- Section Numbers Proposed Action Illinois Register Citation
112.2 New Section 23 Ill. Reg. 831
112.10 Amendment 23 Ill. Reg. 384
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Incorporation by Reference
112.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Basis of Eligibility
112.61	Death of a Parent (Repealed)
112.62	Incapacity of a Parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
112.68	School Attendance Initiative
112.69	Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	Employment and Work Activity Requirements	Individuals Exempt from TANF Employment and Work Activity Requirements
112.70		
112.71		
112.72	Participation/Cooperation Requirements	
112.73	Adolescent Parent Program (Repealed)	
112.74	Responsibility and Services Plan	
112.75	Teen Parent Personal Responsibility Plan (Repealed)	
112.76	TANF Orientation	
112.77	Reconciliation and Fair Hearings	

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: The rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TANF Employment and Work Activities
 112.78 Sanctions
 112.79 Good Cause for Failure to Comply with TANF Participation Requirements
 112.80 Responsible Relative Eligibility for JOBS (Repealed)
 112.81 Supportive Services
 112.82 Teen Parent Services
 112.83 Work Experience Evaluation Project (Repealed)
 112.84 Four Year College/Vocational Training Demonstration Project
 112.85 (Repealed)

SUBPART B: PROJECT ADVANCE

Section
 112.86 Project Advance (Repealed)
 112.87 Project Advance Experimental and Control Groups (Repealed)
 112.88 Project Advance Participation Requirements of Experimental Group
 Members and Adjudicated Fathers (Repealed)
 112.89 Project Advance Cooperation Requirements of Experimental Group
 Members and Adjudicated Fathers (Repealed)
 112.90 Project Advance Sanctions (Repealed)
 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
 112.92 Individuals Exempt From Project Advance (Repealed)
 112.93 Project Advance Supportive Services (Repealed)
 112.95

SUBPART F: EXCHANGE PROGRAM

Section
 112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.102 Budgeting Unearned Income
 112.105 Application And/Or Date of Decision
 112.106 Initial Receipt of Unearned Income
 112.107 Termination of Unearned Income
 112.108 Exempt Unearned Income
 112.110 Education Benefits
 112.115 Incentive Allowances
 112.120 Unearned Income In-Kind
 112.125 Earnmarked Income
 112.126 Lump-Sum Payments
 112.127 Protected Income (Repealed)
 112.128 Earned Income
 112.130 Earned Income Tax Credit
 112.131

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Budgeting Earned Income
 112.112 Budgeting Earned Income of Employed Applicants
 112.113 Initial Employment
 112.114 Budgeting Earned Income For Contractual Employees
 112.115 Budgeting Earned Income For Non-Contractual School Employees
 112.116 Termination of Employment
 112.117 Transitional Payments (Repealed)
 112.118 Exempt Earned Income
 112.119 Earned Income Exemption
 112.120 Exclusion From Earned Income Exemption
 112.121 Recognized Employment Expenses
 112.122 Income from Work-Study and Training Programs
 112.123 Earned Income From Self-Employment
 112.124 Earned Income From Roomer and Boarder
 112.125 Income From Rental Property
 112.126 Payments from the Illinois Department of Children and Family Services
 112.127 Earned Income in-Kind
 112.128 Assets
 112.129 Asset Disregards
 112.130 Deferral of Consideration of Assets
 112.131 Property Transfers (Repealed)
 112.132 Income Limit
 112.133

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels
 112.252 Payment Levels in Group I Counties
 112.253 Payment Levels in Group II Counties
 112.254 Payment Levels in Group III Counties
 112.255 Limitation on Amount of TANF Assistance to Recipients from Other
 States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Reporting Requirements for Clients with Earnings
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior
 to 8/22/96
 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country on or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

After 8/22/96

112.309 Institutional Status
 112.310 Child Care for Representative Payees
 112.311 Young Parent Program (Renumbered)
 112.315 Redetermination of Eligibility
 112.320 Extension of Medical Assistance Due to Increased Income from Employment
 112.330
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
 112.350 Child Care (Repealed)
 112.352 Child Care Eligibility (Repealed)
 112.354 Qualified Provider (Repealed)
 112.356 Notification of Available Services (Repealed)
 112.358 Participant Rights and Responsibilities (Repealed)
 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)

112.364 Rates of Payment for Child Care (Repealed)
 112.366 Method of Providing Child Care (Repealed)
 112.370 Non-JOBES Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility (Repealed)
 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
 112.408 Qualified Child Care Providers (Repealed)
 112.410 Notification of Available Services (Repealed)
 112.412 Participant Rights and Responsibilities (Repealed)
 112.414 Child Care Overpayments and Recoveries (Repealed)
 112.416 Fees for Service for Transitional Child Care (Repealed)
 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ICS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; peremptory amendment at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

111. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 359, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 21, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8032, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 11647, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6312, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 12299, effective June 4, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective June 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15990, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 476, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; preemptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 23, 1984; for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective December 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUPPARIS C. D and E recodified to SUPPARIS G. H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6894, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 286, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 584, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 1, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 12444, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; for a maximum of 150 days; amended at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 23, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 3522; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended 16256, effective September 1, 1998; at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18088, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; amended at 23 Ill. Reg. _____, effective _____.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.131 Earned Income Tax Credit

In determining eligibility and level of assistance against the Federal Poverty level--and-the-payment-level, the amount of earned income tax credit which the client receives as advance payment or as a refund of federal income taxes shall be exempt.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 112.134 Initial Employment

- a) When a recipient reports that he has begun employment, a determination of continued eligibility shall be made.
- b) Income which the recipient expects to receive during the payment month shall be considered in the determination of eligibility.
- c) For-employed-recipients, the gross income--will-be-compared-to-the-federal-poverty-level-to-determine-continued-eligibility.
- d) The ff--the-recipient-remains-eligible, the gross income anticipated to be received shall be budgeted for the payment month.
- e) If a recipient fails to report that he has begun to work, a determination of eligibility shall be conducted when the Department learns of the employment. The Department shall also determine at that time whether there has been overpayment in accordance with 99 Ill. Adm. Code 102.100.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 112.141 Earned Income Exemption

- a) At the time of application for assistance, each employed applicant will be allowed a \$90 deduction from earned income. The remainder, plus all other nonexempt income, will be compared to the payment level to determine eligibility.
- b) Employed families who received TANF during the six months prior to application who lost eligibility because of their earnings and child support, and for whom child support payments have ceased, shall receive the exemption in subsection (c) of this Section to determine eligibility.
- c) For employed recipients, the gross income--will-be-compared-to-the-federal-poverty-level-to-determine-continued-eligibility---if-eligibility one-third of each individual's earnings and all other nonexempt income will be deducted from the family's payment level.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 112.155 Income Limit

- a) If at application a unit's total available monthly income before applying any deductions or exemptions, except for a \$90 deduction from gross earnings, exceeds the payment level for a family of that size, the unit is ineligible for assistance.
- b) For families receiving TANF, if the unit's total available monthly

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

income, after applying any applicable deductions and the earned income exemption, exceeds the payment level before applying any deductions or exemptions--including--all--earned--and--unearned--income--exceeds--the Federal Poverty Level for a family of that size, the unit is ineligible for assistance. The federal Department of Health and Human Services (HHS) poverty guidelines will be used as the poverty level.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART H: PAYMENT AMOUNTS

Section 112.250 Grant Levels

- The amount of a recipient unit's grant is the unit's appropriate payment level minus that unit's nonexempt income.
- If the amount of a recipient unit's grant, as determined under the appropriate provisions of the program, would be greater than \$0 but less than \$1 \$11, the recipient unit is not eligible to receive a grant. However, such recipient units may be eligible for medical assistance.
- If the amount of a recipient unit's grant, as determined under the appropriate provisions of the program, is not a whole dollar amount, the amount of the grant shall be rounded down to the next whole dollar amount.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- Heading of the Part: Treatment and Habilitation Services

- Code Citation: 59 Ill. Adm. Code 112

- Section Numbers: 112.10
Proposed Action: Amendment

- Statutory Authority: Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

- A Complete Description of the Subjects and Issues Involved: The majority of this rulemaking is an updating of language. Section 112.10(f) amends the manner in which individuals are selected for the utilization review committee.

- Will this proposed rule replace an emergency rule currently in effect? No

- Does this rulemaking contain an automatic repeal date? No

- Does this proposed amendment contain incorporations by reference? No

- Are there any other amendments pending on this Part? No

- Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, IL 62762
217/785-9772
TTY: 217/557-1547

If because of physical disability you are unable to put comments into

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH

CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 112

TREATMENT AND HABILITATION SERVICES

Section

112.5 Incorporation by reference

112.10 Utilization review hearings

112.20 Admission, treatment and habilitation of mentally retarded persons

112.30 Recipient physical and dental examinations and informed consent for services

112.40 Release and burial of deceased recipients

112.50 Tuberculosis control program (Repealed)

112.70 Protection of human subjects

112.80 Use of narcotics and psychotropic drugs in Department facilities

112.90 Administration of psychotropic drugs

AUTHORITY: Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Release and Burial of Deceased Patients adopted October 1, 1969; Tuberculosis Control Program adopted May 28, 1975; Protection of Human Subjects adopted October 2, 1973; Use of Narcotics and Psychotropic Drugs in Department Facilities adopted July 1, 1974; amended at 3 Ill. Reg. 28, p. 90, effective July 16, 1979; amended at 4 Ill. Reg. 17, p. 234, effective April 15, 1980; Administration of Psychotropic Drugs adopted June 14, 1974; amended at 3 Ill. Reg. 28, p. 100, effective July 16, 1979; amended at 4 Ill. Reg. 17, p. 234, effective April 15, 1980; rules merged and codified at 5 Ill. Reg. 10725; amended at 9 Ill. Reg. 12785, effective August 1, 1985; amended at 10 Ill. Reg. 11894, effective July 1, 1986; amended at 13 Ill. Reg. 20344, effective December 19, 1989; amended at 21 Ill. Reg. 2210, effective February 1, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 23 Ill. Reg. _____, effective _____.

Section 112.10 Utilization review hearings

- a) Utilization review hearings shall be conducted in accordance with Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Code. When a person who is evaluated as being mildly or moderately mentally retarded, resides in a Department mental health

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

facility and objects to the facility director's certification of the treatment and habilitation plan or the appropriateness of the setting, a utilization review hearing shall be conducted in accordance with Section 112.20(g).

b) Definitions

"Aftercare." The continuation of needed care and services of a recipient discharged from a state-operated facility within an appropriate setting with individualized follow-up services.

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

~~"Conditional discharge."--The placement of--a developmentally disabled recipient out of a facility for continuing habilitation provided under supervision of the Department.--(Section 4-792 of the Code)~~

"Day." As used in this Section and in Section 112.20 means calendar day unless otherwise indicated.

"Department." The Department of Human Services.

"Discharge." The full release of any person admitted under the provisions of the Code, or transferred under the provisions of Sections 3-8-5, 3-8-6, 3-10-5 and 3-10-6 of the Unified Code of Corrections [730 ILCS 5/8-5, 8-6, 10-5 and 10-6] for treatment or habilitation.

"Facility Director." The director or hospital administrator of a mental health or developmental disabilities facility.

"Guardian." The plenary guardian of the person or limited guardian of the person with specific court authority to make mental health decisions on the person's behalf. (Section 11a-14 of the Probate Act of 1975 [755 ILCS 5/11a-14].) It does not include a guardian ad litem or person in loco parentis.

"Guardian ad litem." A person appointed by the court to defend or represent the interests of a minor or alleged legally disabled during a guardianship proceeding or in other matters. This person has no right to interfere with the minor's or alleged legally disabled person or estate.

"In loco parentis." Any individual, other than a parent or legal guardian, who has the primary functional responsibility of providing food, shelter, medical care and education to a minor.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

"person subject to involuntary admission." A person who is mentally ill and who because of his or her illness is reasonably expected to inflict serious physical harm on him/herself or another in the near future; or

is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm. (Section 1-119 of the Code)

"Responsible relative." The spouse or, if the recipient is under 18 years of age, the parent of a recipient of services. (Section 1-124 of the Code)

"Secretary." The Secretary of the Department of Human Services or his or her designee, or the Manager of the Office of Associate Director--for Clinical Services when applicable pursuant to Section 1-108 of the Code.

"Transfer." The movement of a recipient from one Department facility to another Department facility or to a Veterans' Administration facility. This does not include movement from a Department facility to a non-Department facility (other than to a Veterans' Administration facility) or movement between separate units or discrete ~~discrete~~ portions of the same facility. also does not include the discharge of a recipient.

c) Notice requirements

1) Notice of denial of admission
Whenever a person seeking admission to a Department facility is denied admission by the facility, the person shall be given within two hours written notice of his or her right to request a review of the denial of the facility's decision on MHDD-19a, Notice of Denial of Admission and Right to Request Review (for persons with mental illness ~~for the mental~~ ~~iii~~) or MHDD-19b, Notice of Denial of Admission and Right to Request Review (for persons with developmental disabilities ~~for the developmental~~ ~~disabilities~~ ~~iii~~).

2) Notice of non-emergency transfer

A) Recipients with Mental Illness ~~Mentally-ill~~ ~~recipient~~
Whenever a ~~mentally-ill~~ recipient with mental illness who has been in a Department facility for more than seven days is to be transferred to another facility, the facility director shall give written notice of such proposed transfer on form MHDD-14b, "Notice of Transfer", to the persons identified in Sections 4-206 and 4-709 of the Code at least 14 days prior to the scheduled transfer.

B) Recipient with Developmental Disabilities ~~Developmentally~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

disabled-recipient

Whenever a developmentally disabled recipient with developmental disabilities who has been in a Department facility for more than seven days is to be transferred to another facility, the facility director shall give written notice of such proposed transfer on form MHDD-14b, "Notice of Transfer", to the persons identified in Sections 4-206 and 4-709 of the code at least 14 days prior to the scheduled transfer.

- C) Notice of transfer and the right to object shall be given to recipients being transferred to the Chester Mental Health Center even when such recipients have been in the Department facility for less than seven days and to the adult recipient's attorney, guardian, if any, and responsible relative and to the minor recipient's attorney, parent, guardian or person in loco parentis who executed the application for admission in accordance with Section 3-910 of the Code. Except in an emergency, as specified in subsection (c)(3) of this Section, no transfer shall proceed pending the facility director's decision or any administrative or judicial review of that decision which is permitted by law. (See subsection (e)(3) for waiver provisions.)

3) Notice of emergency transfer

In an emergency, when the health of the recipient or the physical safety of the recipient or others is imminently imperiled and appropriate care and services are not available where the recipient is located, a recipient shall be transferred to another facility as soon as transfer arrangements can be made, provided that notice is given in accordance with subsection (c)(2) of this Section, as soon as possible but not later than 48 hours after the transfer. If an emergency transfer cannot be effected within 48 hours after the decision to transfer, the transfer shall proceed only as a non-emergency transfer with prior written notice of the right to object as provided in Sections 3-910 and 4-709 of the Code and subsection (c)(2) of this Section.

4) Notice of discharge

- A) Recipient in a mental health facility
- i) Adult - Notice shall be given to the adult recipient, the recipient's attorney, and guardian, if any, on form MHDD-22a, "Notice of Discharge", at least seven days prior to the date of intended discharge.
 - ii) Minor - Notice shall be given to his or her attorney, his or her parent, guardian, or person in loco parentis who executed the application for admission, and to the minor if he or she is 12 years of age or older, on form MHDD-22a, "Notice of Discharge", at least seven days prior to the date of intended

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

discharge.

- B) Recipient in a developmental disabilities facility
- i) Notice shall be given at least 14 days prior to the date of discharge.
 - ii) Notice shall be given on MHDD-22b, "Notice of Discharge", to the recipient, if he or she is 12 years of age or older, to the recipient's attorney and guardian, if any, and to the person who executed the application for admission. Notice shall be given on form MHDD-22c, "Notice of Discharge", to the resident school district, if the recipient is receiving educational services.

No discharge shall proceed pending the facility director's decision or any administrative or judicial review of that decision which is permitted by law, except that persons temporarily admitted under Section 4-311 of the Code shall not stay beyond 30 days plus the additional time up to the hearing.

- C) Discharge pending a hearing or review

No discharge shall proceed pending the facility director's decision or any administrative or judicial review of that decision which is permitted by law, except that persons temporarily admitted under Section 4-311 of the Code shall not stay beyond 30 days plus the additional time up to the hearing.

5) Notice contents

- A) All notices for transfers or discharge shall include:
- i) The reasons for the transfer or discharge;
 - ii) A statement of the right to object; and
 - iii) The address and telephone number of the Guardianship and Advocacy Commission.
- B) All notices of denial of admission shall include:
- i) A statement of the right to request a review of the denial; and
 - ii) The address and telephone number of the Guardianship and Advocacy Commission.
- C) If the recipient's or guardian's primary language is not English or if the recipient or guardian is hearing impaired and/or vision impaired, arrangements must be made to provide for an adequate explanation in the person's primary language in accordance with the Department's rule at 59 Ill. Adm. Code 111.20 or preferred method of communication of the recipient's right to request a review. Arrangements will be made to secure the services of an interpreter who is fluent in the recipient's or guardian's primary language to explain the notice to the recipient or guardian. If a staff member is available who is fluent in the language required, he or she should be requested to explain the notice to the recipient or guardian.
- D) Notices to the school district in the event of a discharge are exempt from the contents requirement in subsection (c)(5)(A)(ii) of this Section.
- 6) Manner of service of notices
- All notices required by Sections 3-405(a), 3-903(a), 3-910,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

4-312(a), 4-704(a) and 4-709 of the Code shall be served personally on the recipient and/or objector whenever possible. A copy of the notice, signed by the recipient in acknowledgment of service, shall be placed in the recipient's clinical record. When personal service is not possible, first class mail shall be used to serve notice on the recipient and/or objector and any other person entitled to receive notice.

- 7) Aftercare and case coordination shall be provided to all discharged and conditionally discharged recipients in accordance with the Department's rules at 59 Ill. Adm. Code 125 (Recipient Discharge/Linkage/Aftercare).

d) Requests for review of denial of admission

- 1) To a mental health facility
 - A) Adult - A review of a denial of admission may be requested by the person seeking admission or, with the person's consent, by an interested person on his or her behalf.
 - B) Minor - The request may be made by the minor's attorney, by his or her parent, guardian or person in loco parentis who executed the application for admission, or by the minor if the minor is 16 years of age or older.
- 2) To a developmental disabilities facility

A review of the denial of admission may be requested by the person who executed the application for admission or by the attorney or guardian of the person for whom admission is sought.
- 3) Manner of requesting review

The request for review must be submitted, in writing, to the facility director of the facility to which admission was sought within 14 days after the denial. Facility staff shall notify the recipient or other persons requesting review that staff are available to assist in contacting the Guardianship and Advocacy Commission and to prepare a written request for review of a denial of admission.

- 4) Admission pending review

An individual requesting review of admission denial does not have a right to admission pending the outcome of the hearing and review.

e) Objection to a transfer or discharge

- 1) Transfer of a recipient
 - A) Adult recipient in a mental health facility

A recipient may object to his or her transfer or the recipient's attorney, guardian, or responsible relative may object on the recipient's behalf.
 - B) Minor recipient in a mental health facility

The minor's attorney, the person who executed the application for admission, or the minor, if the minor is 12 years of age or older, may object to the transfer.
 - C) Recipient in a developmental disabilities facility

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

A recipient may object to his or her transfer or any person entitled to receive notice under subsection (c)(2) of this Section, may object on the recipient's behalf.

- D) Manner of making an objection

An objection to a transfer must be submitted, in writing, prior to the transfer or within 14 days after an emergency transfer to the facility director of the facility where the recipient is located. Facility staff shall notify the recipient or other persons objecting to a transfer that staff are available to assist in contacting the Guardianship and Advocacy Commission and to prepare a written objection to a transfer.

2) Discharge of a recipient

- A) In a mental health facility
 - i) Adult - A recipient may object to his or her discharge or the recipient's attorney or guardian may object on the recipient's behalf.
 - ii) Minor - The minor's attorney, the person who executed the application for admission, or the minor, if the minor is 12 years of age or older, may object to the discharge.
- B) In a developmental disabilities facility

The recipient, if he or she is 12 years of age or older, may object to the discharge or conditional discharge, or the recipient's attorney or guardian, or the person who executed the application for admission, may object on the recipient's behalf.
- C) Manner of making an objection

All objections to a discharge must be submitted, in writing, to the facility director of the facility where the recipient is located prior to the discharge. Facility staff shall notify the recipient or other persons objecting to a discharge that staff are available to assist in contacting the Guardianship and Advocacy Commission and to prepare a written objection to a discharge.

3) Waiver of hearing

- A) Any person entitled to request a hearing regarding a denial of admission, a discharge or a transfer may waive his or her hearing thereon. If a legally competent adult recipient or legal representative on the recipient's behalf waives his/her hearing, a request for a hearing made by another person will not be honored.
- B) A waiver shall be deemed effective only if all of the following conditions are satisfied:
 - i) The person has been advised of his or her rights to object and to have a hearing;
 - ii) The person has been advised of and understands the consequences of waiving such hearing; and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

iii) The person has expressed his or her waiver of the hearing in writing.

C) All waivers shall be filed in the recipient's medical record along with the notice. The record should:

- i) Reflect that the recipient was advised and understood the consequences of the waiver; and
- ii) Indicate who made the decision that the recipient understood the consequences of the waiver.

D) When a waiver of a hearing has been made in accordance with subsection (e)(3)(B)(iii) of this Section, the Department may proceed to implement its transfer or discharge.

E) If the person, or legal representative on that person's behalf, withdraws the waiver prior to the expiration of the 14-day period for transfer or the seven-day period for discharge, such action shall be considered a formal objection and a hearing shall be scheduled. The responsibility for the hearing shall be with the transferring or discharging facility.

F) The utilization review committee

Each Department facility director shall recommend individuals to serve on appoint a utilization review committee(s) in accordance with Sections 3-207 and 4-209 of the Code to hear requests for review and objections received under the Code. The recommendations shall be sent to the Secretary or his or her designee for approval or denial.

- 1) The committee shall consist of at least three and not more than seven members, who shall represent at least two different professional clinical disciplines, trained and equipped to deal with the recipient's clinical and treatment needs (for persons with mental illness the ~~mentally-ill~~) or habilitation needs (for persons with developmental disabilities the ~~developmentally disabled~~) or both types of needs for those persons with dual diagnosis ~~dualy diagnosed individuals~~ in accordance with Section 112.20(g)(3). Clinical disciplines include psychiatry, psychology, medicine, nursing, social work, or the other disciplines that qualify a person to be a qualified mental retardation professional, as defined in Section 112.20(d).

A) The committee membership may be permanent or rotating, at in the facility director's discretion and must be approved by the Secretary; or

B) The facility director shall not recommend himself/herself or designee, or any staff member involved in the decision to admit, transfer or discharge the recipient to ~~shall not be a~~ committee member or to participate in the committee's decision on any request for review or objection.

- 2) The facility director, or at the facility director's discretion, the committee, shall appoint, from the committee's membership, a chairperson who shall have the duties and responsibilities as set forth in subsection (g)(2)(A) of this Section.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

g) The utilization review hearing

- 1) General provisions

A) Scheduling the hearing

Upon receipt of a request for a review or an objection, the facility director shall schedule a hearing to be held at the facility within seven working days. If the hearing is to review an objection to a transfer, the hearing shall be held at the transferring facility. When an emergency transfer has taken place, the hearing will be held at the receiving facility, provided that the hearing may be held at the transferring facility when the facility director of the receiving facility finds that either of the parties would not be able to completely present witnesses or evidence at a hearing at the receiving facility within the specified time.

B) Notice of hearing

The recipient and objector, and the representative or attorney of each, shall be informed, in writing, of the time, place and date of the hearing either personally or by first class mail at least 72 hours before the hearing.

C) Continuances

The committee chairperson, at ~~in~~ his or her sole discretion, may grant a continuance of the hearing at the request of the Department or the recipient or objector if he or she determines that a continuance would not adversely affect the rights of either of the parties to present evidence and witnesses.

D) Representative

The recipient and objector may be represented at the hearing by any person of his or her choice, subject to the provisions of subsection (g)(2)(A)(iv) of this Section.

E) Witnesses

The Department and the recipient and objector may present evidence orally and in writing and may present argument. The facility director or designee shall appoint one or more persons to present the Department's case at the hearing.

F) Right to be present

Unless waived by the recipient or his or her attorney, the recipient or the objector (if not the recipient) has the right to be present at the hearing as well as responsible relatives and other interested persons designated by the recipient.

2) Hearing procedures

A) Duties of the chairperson

The chairperson is responsible for the orderly conduct of the utilization review hearing. He or she shall conduct the hearing so that both the facility and the objector are allowed to present their evidence and arguments completely. To these ends, the chairperson has the following authorities

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

and responsibilities, including, but not limited to:

- i) Requiring the Department to present its evidence prior to hearing evidence from the recipient or objector;
- ii) Prescribing the order of presentation within the Department's or objector's presentation to accommodate witnesses' schedules or respond to inquiries from committee members;
- iii) Terminating the taking of testimony when the committee is satisfied that both parties have presented all relevant information related to the facility's decision;
- iv) Declaring an individual ineligible to represent the recipient or objector due to his or her employment by the Department. If the chairperson declares an individual ineligible, he or she shall give the recipient an opportunity to secure a substitute within seven days. This shall not be used to prevent a Department employee from testifying on behalf of the recipient;
- v) Taking official notice on the record of generally recognized technical, scientific or clinical facts within the Department's specialized knowledge;
- vi) Insuring that a complete and accurate record of the hearing is made by an audio tape or stenographic recording;
- vii) Insuring that the committee's findings of fact, conclusions and recommendations are in compliance with subsection (1)(2) of this Section.

B) Evidence

- i) The committee shall not be bound by the rules of evidence or procedure, but shall conduct the proceedings in a manner that insures both parties are allowed to present their evidence and arguments completely.
- ii) When the hearing will be expedited and the interests of the parties will not be prejudiced, all or any part of the evidence may be received in written form if disclosed to all other parties, at least two days, excluding weekends and holidays, prior to the hearing.
- iii) Any party or representative may ask questions of any other party or witness, and the committee may ask questions of any party or witness. Questions impeaching the witnesses' character or credentials shall be prohibited.
- iv) If the chairperson takes notice of any generally recognized technical, scientific, or clinical facts within the Department's specialized knowledge, he or she shall so inform the recipient and objector and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

shall afford them an opportunity to contest the material so noticed. The committee may use the Department's experience, technical competence and specialized knowledge in its evaluation of the evidence.

h) Standards

- 1) For denial of admission to a mental health facility

- A) Informal and voluntary
 - i) The person may be denied admission if he or she is not clinically suitable for admission. This standard applies to all persons age 16 years or older who have executed their own application for admission. (See Sections 3-300(a), 3-400 and 3-502 of the Code.)
- B) Application for a minor executed by his or her parent(s), guardian or person in loco parentis
 - i) The minor may be denied admission if the minor:
 - a) Does not have a mental illness or emotional disturbance; or
 - b) Does not have a mental illness or emotional disturbance of such severity that hospitalization is necessary; or
 - c) Has a mental illness or emotional disturbance of such severity that the minor's hospitalization is necessary but the minor is unlikely to benefit from inpatient treatment. (See Section 3-503(a) of the Code.)
- C) Application for a minor is executed by another person 18 or older
 - i) The minor may be denied admission if those conditions listed in subsection (h)(1)(B) of this Section are present or if the minor is not in such condition that immediate hospitalization is necessary. (See Section 3-504(a) of the Code.)

- 2) For denial of admission to a developmental disabilities facility
 - A) Administrative admission
 - i) A person may be denied admission if he or she is not clinically suitable for admission. (See Section 4-302 of the Code.)
 - B) Temporary admission
 - i) A person may be denied admission if:
 - a) He or she is not developmentally disabled; or
 - b) The parent or guardian will not benefit from respite care; or
 - c) There is no crisis which necessitates immediate temporary residential services. (See Section 4-311 of the Code.)

- 3) For transfer from a mental health facility
 - A) All transfers occurring more than seven days after admission
 - i) The facility director may transfer a recipient if the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

transfer is clinically advisable and consistent with the recipient's treatment needs as defined by the recipient's individual treatment plan. (See Section 3-908 of the Code.)

B) Emergency transfers

A recipient may be transferred as soon as the transfer can be arranged when the health of the recipient or the physical safety of the recipient or others is imminently imperiled and appropriate care is not available at the facility where the recipient is located. (See Section 3-910(b) of the Code.) If an emergency transfer cannot be effected within 48 hours after the decision to transfer, the transfer shall proceed only as a non-emergency transfer with prior written notice of the right to object as provided in Section 3-910 of the Code and subsection (c)(2).

C) Transfer to a more restrictive facility

A recipient may be transferred if the transfer is clinically advisable and consistent with the recipient's treatment needs as defined by the recipient's individual treatment plan and is required for the safety of the recipient or others. (See Sections 3-908 and 3-910(d) of the Code.)

D) Transfer of minors to adult units

A minor recipient may be placed in the same unit with adult recipients if:

- i) The placement is to a medical-surgical unit because of a physical illness; or
- ii) The minor recipient is between 13 and 18 years of age and temporary security measures are needed. (See Section 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7].)

4) For transfer from a developmental disabilities facility

A) All transfers occurring more than seven days after admission to the facility director may transfer a recipient if the transfer is appropriate and consistent with the recipient's habilitation needs as defined by the recipient's individual habilitation plan. A facility which is close to the recipient's place of residence shall be preferred unless the recipient requests otherwise or unless compelling reasons exist for preferring another facility. (See Section 4-707 of the Code.)

B) Emergency transfers

A recipient may be transferred as soon as the transfer can be arranged when the health of the recipient or the physical safety of the recipient or others is imminently imperiled and appropriate care and services are not available at the facility where the recipient is located. (See Section 4-709(a) of the Code.) If an emergency transfer cannot be effected within 48 hours after the decision to transfer, the transfer shall proceed only as a non-emergency transfer with

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

prior written notice of the right to object and provided in Section 4-709 of the Code and subsection (c)(2) of this Section.

C) Transfers to a more restrictive facility

A recipient may be transferred if the transfer is appropriate and consistent with the recipient's habilitation needs as defined by the recipient's individual habilitation plan and the transfer is reasonably required for the safety of the recipient or others. (See Sections 4-707 and 4-709(c) of the Code.)

D) Transfer of minors to adult units

A minor recipient may be placed in the same unit with adult recipients if:

- i) The placement is to a medical-surgical unit because of a physical illness; or
- ii) The minor recipient is between 13 and 18 years of age and temporary security measures are needed. (See Section 7 of the Mental Health and Developmental Disabilities Administrative Act.)

5) For all discharges

For all discharges, the Department must not only prove by evidence offered at the hearing that the standards cited in subsections (f)(6) and (7) of this Section have been met, but must also determine and have in writing the determination that the recipient to be discharged is not currently in need of hospitalization and:

- A) Is able to live independently in the community; or
- B) Requires further oversight and supervisory care for which arrangements have been made with responsible relatives or a supervised residential program approved by the Department; or
- C) Requires further personal care or general oversight as defined in the Nursing Home Care Act (210 ILCS 45), for which placement arrangements have been made with a family home or other licensed facility approved by the Department under Section 15 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15].

6) For discharges from a mental health facility

A) Voluntary, informal or minor admissions
The facility director may discharge any voluntary, informal or minor recipient who is clinically suitable for discharge. (See Section 3-902(a) of the Code.)

B) Involuntary admissions

The facility director shall discharge any recipient who is admitted on a court order for involuntary admission when the recipient is no longer subject to involuntary admission, unless voluntary admission is requested and the recipient is clinically suitable. (See Sections 1-119 and 3-902(b) of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

the Code.)

C) Transfers from Department of Corrections
The facility director shall release to the Department of Corrections any recipient transferred to the Department from the Department of Corrections under the provisions of Sections 3-8-5, or 3-10-5 of the Unified Code of Corrections when the recipient is no longer subject to involuntary admission, if he or she is 18 or older, or if the recipient no longer meets the standard for admission of a minor to a mental health facility if he or she is 17 or younger. (See Sections 3-8-6 or 3-10-6 of the Unified Code of Corrections.)

7) For discharges from a developmental disabilities facility

A) Administrative and temporary admissions
The facility director may discharge any recipient who is suitable for discharge. (See Section 4-701(a) of the Code.)

B) Conditional discharge

The facility director may grant a conditional discharge to a recipient when conditional discharge is appropriate and consistent with the recipient's habilitation needs. (See Section 4-702(a) of the Code.)

C) Judicial admissions

A recipient admitted to a facility upon court order for judicial admission may be discharged when the recipient no longer meets the standard for judicial admission, unless administrative admission is requested and the recipient is clinically suitable. (See Sections 4-500 and 4-701(b) of the Code.)

D) Transfers from Department of Corrections

The facility shall release to the Department of Corrections any recipient transferred to the Department from the Department of Corrections under the provisions of Sections 3-8-5, or 3-10-5 of the Unified Code of Corrections when the recipient no longer meets the standard for judicial admission, if he or she is 18 or older, or if the recipient is suitable for administrative admission to a developmental disability facility, if he or she is 17 or younger. (See Sections 3-8-6 or 3-10-6 of the Unified Code of Corrections.)

1) The committee's findings of fact, conclusions and recommendations

1) Within three working days after the conclusion of the utilization review hearing, the committee shall submit to the facility director its written findings of fact, conclusions and recommendations. The committee shall not consider or decide questions of law.

2) Findings of fact, conclusions and recommendations shall be separately stated and so labeled. Findings of fact shall be based exclusively on the evidence and on matters officially

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

noticed. The Department has the burden of proof in all utilization review hearings.

A) Findings of fact

To conclude that the Department has sustained its burden of proof, the committee must find that the Department has established the facts by substantial evidence. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion (i.e., consists of more than a scintilla of evidence but somewhat less than a preponderance).

B) Conclusions and recommendations

1) If the committee finds that the Department has established the facts by substantial evidence, it shall make its written conclusion that the decision was based on substantial evidence and shall recommend that the decision be upheld.

2) The committee shall recommend that the decision be overturned if it concludes that the Department has not sustained its burden of proof.

C) Manner of service of the committee's recommendations

A copy of the committee's recommendations, with its factual findings and conclusions, shall be given to the recipient and objector at the time the recommendations are submitted to the facility director. Service may be made either personally or by certified first class mail.

j) Facility director decision

The facility director shall review the committee hearing record to determine if the evidence supports the committee's findings of fact, conclusions and recommendations. The facility director shall not consider or decide issues of law nor participate in reviewing the committee's recommendations in those instances in which the facility director made the original decision which was appealed. In such circumstances, the facility director shall appoint a designee to review the committee's findings, conclusions and recommendations.

1) Decision

Within seven days, excluding Saturdays, Sundays and holidays, after receipt of the committee's recommendations, the facility director shall either accept or reject the recommendations and shall state the reasons for accepting or rejecting the recommendations. The facility director shall provide a concise statement explaining the bases for his or her decision.

2) Manner of service of notice

The facility director shall give written notice using form MHD-23, "Notice of Facility Director's Decision", either by personal delivery or by certified first class mail, to the recipient and objector and their attorneys or representatives within the seven days specified in subsection (j)(1) of this Section.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

3) Right to review

- A) The facility director shall, in every case, advise the recipient and objector that if further review of his or her his/her decision is desired, it may be obtained by requesting review by the Secretary in writing to the facility director, within seven working days of receipt of the decision.
- B) If the facility director rejects the committee's recommendations or if the recipient or objector requests a review of the facility director's decision, the facility director shall forward a copy of his or her decision, the committee's recommendations and the hearing record to the Secretary, within two working days.

k) Review by the Secretary

- 1) How requested
Whenever a recipient or objector requests that the Secretary review the facility director's decision, such request must be in writing, either to the facility director or the Secretary. The person submitting the request must state the reasons he or she believes that the facility director's decision is incorrect.
- 2) Time for request
The person submitting the request for review must submit it within seven days after receipt of the facility director's decision. If he or she does not submit a request for review within this period, the facility director's decision shall be deemed final and reviewable in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

- 3) Scope of the review
The Secretary's review shall extend to all questions of law and of fact presented by the entire record of the utilization review hearing and the facility director's decision. The Secretary and the facility director shall not consider any additional evidence. The committee's findings and conclusions on questions of fact shall be presumed to be true and correct.

- 4) The Secretary's authority
The Secretary shall, in reviewing any facility director's decision, have the authority, if he or she deems it necessary to reach a decision as to any question of fact or law based on the complete record:

- A) To dismiss a request for review as moot or not ready for adjudication;
- B) To approve or disapprove the facility director's decision in whole or in part;
- C) To reverse and remand the facility director's decision in whole or in part and, in such case, to state the questions requiring further hearing or proceedings and to give such other instructions as deemed proper;
- D) To remand the committee for the purpose of taking additional

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

evidence when from the state of the record of the hearing, it shall appear that such is necessary to resolve the issues raised at the hearing.

- 5) Manner of service of decision
The Secretary's decision shall be served on the recipient and objector and their attorneys or representatives, either by personal delivery or by certified first class mail, addressed to the recipient and objector at his or her last known address no later than 30 days after the person has submitted the request for the review.
- 6) Final administrative decision
The Secretary's decision shall constitute the Department's final administrative decision and no application for rehearing will be entertained. The decision is then reviewable in accordance with the Administrative Review Law.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting

- 2) Code Citation: 17 Ill. Adm. Code 530

- 3) Section Numbers: Proposed Action:

530.70 Amendments
530.80 Amendments
530.90 Amendments
530.100 Amendments
530.105 Amendments
530.110 Amendments
530.115 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ICS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to comply with mandated federal changes regarding controlled hunting areas and to bring new sites into the program for increased public hunting opportunities. Changes include opening/closing sites to hunting, updating regulations, changing shot size and type to be used and revising hunting dates.

- 6) Will this rulemaking replace any emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER b: FISH AND WILDLIFE

PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,
 AND RABBIT HUNTING

- Section
 530.10 Statewide General Regulations
 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
 530.30 Statewide Hungarian Partridge Regulations (Repealed)
 530.40 Statewide Bobwhite Quail Regulations (Repealed)
 530.50 Statewide Rabbit Regulations (Repealed)
 530.60 Statewide Crow Regulations (Repealed)
 530.70 Controlled Pheasant Hunting Sites Permit Requirements
 530.80 Controlled Pheasant Hunting Regulations
 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements
 530.100 Illinois Youth Pheasant Hunting Regulations
 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
 530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. (However, for Wayne Fitzgerald, Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County), and Chain O'Lakes State Park and Bee-County-Conservation-Area-(Green-River), applicants must contact the concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed.
- b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) For all DNR operated sites except Site M and Sand Ridge the permit authorizes the permit holder to bring one hunting partner. (The hunting partner cannot hunt without the permit holder being present to hunt.) At Site M and Sand Ridge the permit is valid for the permit holder only. The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. For all DNR operated sites except Site M, Sand Ridge and Wayne Fitzgerald, permits cannot be transferred on the hunting areas. The fee for transferred permits cannot exceed the fee in the Wildlife Code for daily usage stamps for Public Hunting Grounds for Pheasants. For other information write to:

Illinois Department of Natural Resources
 Pheasant

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

524 South Second St., Room 210

P.O. Box 19457

Springfield, Illinois 62794-9457

- d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area and Moraine View State Park.
- e) At Site M and Sand Ridge reservations for the controlled hunting area will be issued from the site headquarters.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.80 Controlled Pheasant Hunting Regulations

- a) The controlled hunting season is the first Wednesday of November November-4-1998 through the next following January 3 January-3-1999, both dates inclusive, with the following exceptions:
- 1) All areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 23. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday and Tuesday on DNR operated areas.
 - 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 7 & 8 (except at the Richland County Controlled Pheasant Hunting Area where the Illinois Youth Pheasant Hunt will be November 21 & 22 and except at Silver Springs and Ramsey Lake where a Youth Pheasant Hunting Program will not be held).
 - 3) The controlled hunting season on the Des Plaines Conservation Area is closed during the November 3-day firearm deer season.
 - 4) The controlled hunting season on the Des-Plaines Conservation Area (Green-River), Silver Springs State Park, Horseshoe Lake State Park (Madison County), Chain O'Lakes State Park and Ramsey Lake State Park will be publicly announced.
 - 5) The controlled hunting season on the Site M Controlled Unit is the first Saturday in November through the next following January 15 November-7-1998 through January-15-1999, except closed to controlled hunting on the November Firearm deer season and on Wednesday through Sunday during the December firearm deer season on November-26-22-and-December-2-6.
 - 6) The controlled hunting season on the Iroquois County Conservation Area is the first Wednesday of November 4 through the next following December 19 26, 1998, except closed during the November 3-day firearm deer season.
 - 7) The controlled hunting season on Sand Ridge State Forest is the first Saturday of November 7-1998 through the next following January 15-1999.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Sand Ridge). Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (except at Site M Controlled Unit, Silver Springs, Horseshoe Lake State Park (Madison County), Ramsey Lake and Sand Ridge where hunters are required to check in between 8:00 a.m. and 8:30 a.m.). Reservations are void after 8:00 a.m. (except at Site M, Sand Ridge and Wayne Fitzgerald where reservations are void after 12:00 noon).
- c) When daily quotas are not filled, permits shall be issued on a first come-first served basis until 12:00 Noon.
- d) Hunting licenses, daily usage stamps and fees:
- 1) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
 - 2) At the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day November-29 hunters under 16 are not required to obtain a stamp.
 - 3) At the Des Plaines Conservation Area, Moraine View State Park, Site M, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day November-29 and December 26 hunters under 16 are not required to obtain a stamp.
 - 4) Fees and methods of payment at the following sites will be publicly announced:

Chain O'Lakes State Park
Horseshoe Lake State Park (Madison County)
~~Des-County-Conservation-Area~~
Ramsey Lake State Park
Silver Springs State Park

- e) Hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, or No. 4 bismuth, No. 3 steel or tin, or smaller may be used except at Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 5 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.

h) Non-hunters are not allowed in the field.

i) Hunters under 16 years of age must be accompanied by an adult hunter.

j) Daily limits:

- 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerald State Park, and the Des Plaines Conservation Area.
- 2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at Sand Ridge.
- 3) Two cock pheasants, 8 bobwhite quail and 4 rabbits at Site W.
- 4) Four cock pheasants at the Bee-County-Conservation-Area--Green River--and Silver Springs State Park.
- 5) Four pheasants of either sex (except that on the last day of fee hunting, each hunter will be allowed to harvest 4 quail and 2 rabbits in addition to 4 pheasants) at Horseshoe Lake State Park (Madison County).
- 6) Four pheasants of either sex, 8 bobwhite quail and 4 rabbits at Ramsey Lake State Park.
- 7) The daily limit at Chain O'Lakes State Park will be publicly announced.
- 8) Two cock pheasants at Moraine View State Park.

k) Tagging of birds.

All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

- l) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State-Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department to obtain a permit reservation.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.

- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information (except Sangcharis Lake and Edward R. Madigan State Park Fish-and-Wildlife Area) write to:

Illinois Department of Natural Resources

Pheasant

524 South 2nd Street, Room 210

P.O. Box 19457

Springfield, Illinois 62794-9457

- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park Fish-and-Wildlife-Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Moraine View State Recreation Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Bee-County-Conservation-Area Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangcharis Lake State Park and Site W (Controlled Area).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.100 Illinois Youth Pheasant Hunting Regulations

- a) The Illinois Youth Pheasant Hunt will be November 7, 1999. 07--\$998 except at the Richland County Controlled Pheasant Hunting Area where the hunt will be November 21 27-at-Edward-R-Madigan-State-Fish--and-Wildlife-Area-where-the-hunt-will-be-November-7 and at Mackinaw River State Fish & Wildlife Area where the hunt will be the Saturday

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

removed from the area (except Sangchris Lake, Edward R. Madigan State Park ~~Fish-and-Wildlife~~-Area and Mackinaw River State Fish and Wildlife Area). The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites

- All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- All areas are closed to fee upland game hunting Mondays and Tuesday, Christmas Day and New Year's Day. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday or Tuesday on DNR operated areas.
- Hunting hours are 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park).
- All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 or bismuth, or No. 3 steel or tin, or smaller may be used, except at Johnson-Sauk Trail State Park where only non-toxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix, or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:
 - A drawing shall be held at the site for hunter quotas.
 - A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.
 - Hunters under 16 are not required to obtain a daily usage stamp at Johnson-Sauk Trail State Park, Kankakee River State Park and the Washington County Conservation Area on the Sunday following Thanksgiving Day and December 26 ~~November-29-and-December-26~~.
 - Hunters under 16 years of age must be accompanied by an adult hunter.
 - At the Richland County Controlled Pheasant Hunting Area a daily usage stamp is not required. Fees and methods of payment at this site will be publicly announced.
- When daily quotas are not filled, hunters are allowed to check in on a

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

preceding the opening of the statewide upland game season.

- Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between ~~8:00-a.m.-and-8:30-a.m.~~ at Edward-R-Madigan-State-Fish-and-Wildlife-Area and between 10:00 a.m. and 10:30 a.m. at Sangchris Lake State Park).

- All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park ~~Fish-and-Wildlife Area~~.

- All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.

- Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must wear a back patch issued by the check station.

- Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.

- All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 or bismuth or No. 3 steel or tin or smaller may be used, except at Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of No. 3 steel or tin, No. 4 5 bismuth, No. 5 or tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

- Daily limit.

- Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.
- Two cock pheasants only at the ~~See-County--Conservation--Area~~ Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O'Lakes State Park.
- Statewide Limits: Sangchris Lake State Park, Edward R. Madigan State Park ~~Fish-and-Wildlife-Area~~ and Site M (Controlled Unit).

- All pheasants must be affixed with a Department tag before they are

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

first come-first served basis until 12:00 noon.
h) The Department shall publicly announce the registration time and quota to be filled.

i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

j) A back patch issued at the check station must be worn while hunting.

k) Non-hunters are not allowed in the field.

l) Hunters must not leave the site without first checking out.

m) Daily Limit:

Pheasant - 2 (either sex may be harvested)

Bobwhite Quail - 8

Hungarian Partridge - 2

Rabbit - 4

n) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

Johnson-Sauk Trail State Park

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)

Richland County Controlled Pheasant Hunting Area (the controlled pheasant hunting season will be publicly announced; daily limit 4 pheasants of either sex only)

Washington County Conservation Area

o) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ICS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ICS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

a) General Site Regulations

1) All regulations in 17 Ill. Adm. Code 510 -- General Hunting and Trapping -- apply in this Section, unless this Section is more restrictive.

2) Only flu arrows may be used by bow and arrow hunters; broadheads are not allowed.

3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.

4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size No. 3 steel or No. 5 bismuth shot or smaller may be used or possessed with a shot size of No. 3 steel or tin, No. 4 bismuth, No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
5) Site specific rules or exceptions are noted in parentheses after each site.

b) Site Specific Regulations

1) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (1)

Apple River Canyon State Park - Saleem and Thompson Units (rabbits only; closed during firearm deer season) (1)

Argyle Lake State Park (closed during firearm deer season) (1)

Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Chain O'Lakes State Park (open Wednesday after controlled

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m. - 4 p.m.) (1)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dog Island Wildlife Management Area (1)

Eldon Harlet State Park (north of Allen Branch and west of Peppenhurst Branch only) (1)

Fern Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Giant City State Park (1)

~~Green River State Wildlife Area (closed until the end of the site's controlled pheasant season, except quail and rabbit only can be hunted on Mondays and Tuesday during the site's controlled pheasant season) (1)~~

Hamilton County Conservation Area (8:00 a.m. - 4:00 p.m.) (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area, except Controlled Hunting Area) (1)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mackinaw River Fish and Wildlife Area (8:00 a.m. - 4:00 p.m.; closed during firearm deer season; pheasant and quail close the Sunday after Thanksgiving) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Marseilles Wildlife (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesday, Christmas Day and New Year's Day) (1)

Mormet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Oakford Conservation Area

Panther Creek Conservation Area (1)

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsay Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesday during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

Red Hills State Park (8:00 a.m. - 4:00 p.m.) (1)

Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)
 Sangamon County Conservation Area
Sangamon State-Fish-and-Wildlife-Area
 Shawnee National Forest, Oakwood Bottoms (2)
 Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1)
 Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)
 Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)
 Trail of Tears State Forest (1)
 Turkey Bluffs State Fish and Wildlife Area (1)
 Union County Conservation Area (Firing Line Management Area only) (1)
 Weinberg-King State Park (1)
 Wildcat Hollow State Forest

2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office: this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesday during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday following the permit pheasant season; 2 cock pheasants may be taken. All hunting is 8 a.m. to 4 p.m. only.)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Sangamon State Fish and Wildlife Area

Site M (open unit)

Ten Mile Creek State Fish and Wildlife Area (non-toxic shot only on posted waterfowl rest areas)

3) Hunting is permitted on the following areas only on the dates listed in parentheses; daily hunting permits filled by drawing through DOC Permit Office. Procedures for application and drawings will be publicly announced. Only one permit per person will be issued for each site. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges at the site for the following year:

Bradford Pheasant Habitat Area (open only November 6, 13, 27 and December 5, 19; each permit authorizes the holder to bring 3 hunting partners)

Burr's Habitat Area (open only November 6, 7, 10, 13, 17, 24, 27 and December 9, 12, 16, 19, 22, 24; each permit authorizes the holder to bring 3 hunting partners)

Eagle Creek State Park (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24; each permit authorizes the holder to bring 3 hunting partners 7-87-117-147)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

18-21-25-28 and December 3-7-18-19-13-17-20-24)

East Conant (open only November 6, 9, 12, 14, 18, 23, 27, 30 and December 1, 6, 9, 12, 15, 18, 21, 24, 26, 29, and January 1, 5, 9, 12, 15; November 7-10-12-15-18-21-23-27-29- and December 1-7-10-13-16-19-22-26-29 and January 2-5-8-11-14-17; each permit authorizes the holder to bring 3 hunting partners)

Edward R. Madigan State Park ~~Fish-and-Wildlife-Area~~ (Open on Mondays from the opening of upland game season until Christmas Day ~~open-only-November-9-16-23-30-and-December-7-14-21~~; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25 ~~open-only-November-7-10-12-15-18-21-24-26-29-30~~; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Green River State Wildlife Area (open only November 6, 7, 10, 11, 13, 14, 17, 24, 26, 27, 30 and December 6, 8, 10, 12, 14, 16, 19, 22, 24, 26, 31; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 ~~November-7-9-12-15-18-21-24-26-29-30-and-December-3-6-10-13-17-20-23~~; each permit authorizes the holder to bring 3 hunting partners)

Harry "Babe" Woodyard State Natural Area (open only November 6, 7, 10, 13, 17, 24, 27 and December 9, 12, 16, 19, 22, 24 ~~November-7-9-12-15-18-21-24-26-29-30-and-December-3-6-10-13-17-20-23~~; each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours)

Herschel Workman Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 ~~November-7-9-12-15-18-21-24-26-29-30-and-December-3-6-10-13-17-20-23~~; each permit authorizes the holder to bring 3 hunting partners)

Hurricane Creek Habitat Area (open only November 6, 7, 10, 13, 17, 24, 27 and December 9, 12, 16, 19, 22, 24; each permit authorizes the holder to bring 3 hunting partners)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Manito Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 ~~November-7-9-12-15-18-21-24-26-29-30-and-December-3-6-10-13-17-20-23~~; each permit authorizes the holder to bring three hunting partners)

Maytown Habitat Area (open only November 6, 13, 27 and December 5, 19; each permit authorizes the holder to bring 3 hunting partners)

Perdueville Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 ~~November-7-9-12-15-18-21-24-26-29-30-and-December-3-6-10-13-17-20-23~~; each permit authorizes the holder to bring 3 hunting partners)

Sand Prairie Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 ~~November-7-9-12-15-18-21-24-26-29-30-and-December-3-6-10-13-17-20-23~~; each permit authorizes the holder to bring 5 hunting partners)

Sand Ridge State Forest (Mud Turtle State Natural Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season ~~open-only-November-7-10-14-17-24-28-and-December-17-20-23-26-29-30-and-December-3-6-10-13-17-20-23~~; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except during firearm deer season and December 24 and 25 ~~open-only-November-14-18-25-28-and-December-2-9-12-16-19-22-24-26-29-30~~; each permit authorizes holder to bring 3 hunting partners; hunting hours 1 p.m. to sunset; check in required before hunting; December dates are for rabbits only)

Sato Field (open only November 6, 10, 13, 15, 18, 22, 25, 28 and December 1, 6, 9, 11, 14, 17, 19, 23, 26, 30 and January 1, 5, 8, 11, 15 ~~November-7-10-13-17-20-23-26-29-and-December-6-9-12-15-18-21-24-27-30~~; each permit authorizes the holder to bring 3 hunting partners)

Saybrook Habitat Area (McLean County) (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 ~~November-7-9-12-15-18-21-24-26-29-and-December-3-6-10-13-17-20-23~~; each permit authorizes the holder to bring 3 hunting partners)

Site M (Quail Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

upland game season except during firearm deer season and December 24 and 25 ~~open-only November-7-10-14-17-24-28-and-December 1-8-12-15-19-22-26-29-and-January-2-5-9-12~~, each permit authorizes holder to bring 3 hunting partners).

Steward Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November-7-87-11-14, 18-21, 25-28 and December-3, 6-10, 13-17, 20-24; each permit authorizes the holder to bring 3 hunting partners)

Victoria Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November--77--87 11-14--10--21--25-28-and-December-3-6-10-13-17-20-24; each permit authorizes the holderto bring 5 hunting partners)

Wolf Creek State Park (open only November 6, 7, 10, 13, 17, 24,
27 and December 9, 12, 16, 19, 22, 24; each permit authorizes
holder to bring 3 hunting partners November-7,-8,-17-18-19-257
28--and-December-10-13-17-19-20-24)

4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m. - 4:00 p.m.; hunting dates are noted in parentheses.

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesday and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season) (2)

Kankakee River State Park (no quail hunting)

Washington County Conservation Area (1)

(Source: Amended	at 23	Ill. Req.	Req., effective

Section 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

a) All the regulations in 17 Ill. Adm. Code 510 apply in this Section, except that falconers are required to wear a cap and outer garment of solid and vivid blaze orange only during the upland game season on sites where upland game hunting is in progress.

b) Statewide falconry regulations (17 Ill. Adm. Code 1590) apply at the following sites (exceptions are in parentheses):

Big Bend State Fish and Wildlife Area

Edward R. Madigan State Park **Fish-and-Wildlife-area** (hunting by falconry methods permitted from October 1 through March 31 or until 10 hen pheasants are harvested; falconers must sign in at the site check station before hunting and sign out immediately after hunting and report their harvest)

Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season; hunting by falconry methods allowed from day after controlled pheasant season through the close of statewide quail falconry season)

Mississippi River Pools 16, 17 and 18

Sand Ridge State Forest (statewide regulations except that hunting is permitted on Mondays and Tuesday only during the Controlled Daily Drawing Pheasant Program season); it is unlawful to hunt by falconry methods in the vicinity of pheasant releases as pheasants are being released; falconry hunters must obtain a free permit from site office before hunting and report harvest by April 15; failure to report harvest by April 15 will result in loss of hunting privileges the following year.

Snake Den Hollow Fish and Wildlife Area (hunting permitted from the day after the close of the Fulton-Knox County Zone goose season until the close of the statewide falconry season)

c) Cock and hen pheasant, hungarian partridge, bobwhite quail, and rabbit may be taken at the following sites in accordance with 17 Ill. Adm. Code 1390; falconers must obtain a free permit from site office before hunting and return permit and report harvest by February 15; failure to return permit or report harvest will result in loss of hunting privileges the following year (additional site regulations are in parentheses):

Chain O'Lakes State Park (hunting permitted 8:00 a.m. to 4:00 p.m. from the Monday after the non-fee season through January 31 except closed Christmas Day; obtain permit from site office Monday through Friday 8:00 a.m. to 4:00 p.m.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Eagle Creek State Park (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Moraine View State Park (hunting permitted October 1 through two days before the pheasant season opens)

Ten Mile Creek Fish and Wildlife Area (hunting permitted from the end of the firearms rabbit season through January 31)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting

2) Code Citation: 17 Ill. Adm. Code 740

3) Section Numbers: Proposed Action:
740.20 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open and close State-owned or -managed sites and to add site-specific regulations.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 740

CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting [50 CFR 20, August 25, 1987].

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14784, effective August 3, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhurst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)

I-24 Wildlife Management Area

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

Kinkaid Lake Fish and Wildlife Area

Marshall's Wildlife Area (woodcock only; Monday - Thursday only through October)

Mormet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only; woodcock only)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Creek Hoost Area)

Red Hills State Park (statewide hours until rabbit season, then 8:00 a.m. - 4:00 p.m.)

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sangamon State Fish and Wildlife Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

East Conant Field (open only to hunters possessing a valid quality upland permit for the area)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodyard State Natural Area (woodcock only; closes October 31)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Hidden Springs State Forest (4:00 p.m. daily closing)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville - Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Little Vermilion River State-Natural Area (woodcock-only;--closes October-31)

Middle Fork Middlefork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Newton Lake Fish and Wildlife Area (woodcock only; closed during firearm deer season)

Sangamon State Fish and Wildlife Area

Sato Field (open only to hunters possessing a valid quality upland permit for the area)

Site M (hunters are restricted to the Open Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid quality unit upland permit)

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (waters of Peppermore Branch and Allen Branch north of the buoys only)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Carlyle Lake Wildlife Management Area

Chauncey Marsh (permit required)

Coffeen Lake State Fish and Wildlife Area (hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of the following year or hunting privileges for the following season will be forfeited; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of railroad tracks only; hunting hours from legal opening to 9 a.m.; fishing allowed between the railroad tracks and the county road after 10 a.m.; four hunters per blind site)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Dog Island Wildlife Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds 1/2 hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake Conservation Area - Public Hunting Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled hunting--from--state locations--only; on a first come-first served basis; cutting of vegetation is prohibited)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Lake Shelbyville - Corps of Engineers Managed Lands and Waters

Lake Slinnissippi Conservation Area

Marshall State Fish and Wildlife Area - all management units (Spring-Branch-Unit-a-Spartan-Unit)

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds one-half hour before shooting time or the blind is open for that day's hunt)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Woodford Fish and Wildlife Area

e) Crow Hunting

1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Mississippi River Pools 16, 17, 18

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Panther Creek Conservation Area

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; non-toxic shot only; permit required)

- 2) Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 - statewide closing)

- 3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Dove Hunting

- 2) Code Citation: 17 Ill. Adm. Code 730

- 3) Section Numbers:
730.20 Proposed Action:
1 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

- 5) A. Complete Description of the Subjects and Issues Involved: This Part is being amended to add and delete sites and add site specific regulations.

- 6) Will this rulemaking replace any emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 730

DOVE HUNTING

Section

730.10 Statewide Regulations

730.20 Regulations at Various Department-Owned or -Managed Sites

730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
 - 1) Hunters shall possess only bismuth or lead shot size #7 1/2, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
 - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Service in 50 CFR 20), #6 steel shot or #7 1/2 bismuth shot or smaller may be possessed on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Big Bend State Fish and Wildlife Area (#)

Cache River State Natural Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O' Lakes State Park

Eldon Hazlet State Park

Green River State Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County)

Johnson-Sauk Trail State Park

Kaskaskia River State Fish & Wildlife Area (designated areas)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (waterfowl management units and designated non-toxic shot units only)

Maitino State Fish and Wildlife Area

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Newton Lake Fish and Wildlife Area (dove management units only)

Peabody River King State Fish and Wildlife Area

Rend Lake Project Lands and Waters

Sand Prairie Habitat Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek Fish & Wildlife Area (areas posted as rest area on the Eads Mine and Belle River Units)

Union County Conservation Area

Wayne Fitzgerald State Recreation Area

3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.

4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.

5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.

6) At sites where additional regulations apply, they are noted in parentheses after the site name.

7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.

c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day)(#)

Bradford Pheasant Area (permit required)

Cache River State Natural Area (#)

Campbell Pond Wildlife Management Area (#)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (#)

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Cypress Pond State Natural Area (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Dog Island Wildlife Management Area (#)
 East Conant Field (permit required; must be returned by February 15)
 Ferne Clyffe State Park (#)
 Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)
 Ft. Massac State Park (#)
 Freeman Mine (permit required)
Halleysville Habitat Area (permit required)
 Harry "Babe" Woodward State Natural Area (permit required)
 Herschel Workman Habitat Area (permit required)
 Hurricane Creek Habitat Area (permit required)
Kinkaid-Lake-Fish-and-Wildlife-Area-##
 Maytown Habitat Area (permit required)
 Mazonia State Fish and Wildlife Area (season closes September 30) (#)
 Mississippi River Pools 16, 17 and 18
 Mississippi River Pools 21, 22, 24
 Oakford Conservation Area
 Panther Creek Conservation Area (#)
Perdueville Habitat Area (permit required)
 Rend Lake Project Lands and Waters (#)
 Sand Ridge State Forest (#)
 Sangamon County Conservation Area
 Sato Field (permit required; must be returned by February 15)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Savbrook Habitat Area (permit required)
Steward Habitat Area (permit required)
 Tapley Woods State Natural Area (#)
 Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)
 Trail of Tears State Forest (#)
 Wildcat Hollow State Forest
 d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.
 Banner Marsh Fish and Wildlife Area (#)
 Hennepin Canal State Park (#)
 Iroquois County Wildlife Management Area (#)
 Johnson Sauk Trail State Park (#)
 Matthiessen State Park (#)
 Mautino Fish and Wildlife Area (#)
 Morrison Rockwood State Park (#)
 Pyramid State Park (#)
 Sanganois State Fish and Wildlife Area
 Snake Den Hollow Fish and Wildlife Area (#)
 Victoria Pheasant Habitat Area (#)
 e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.
 Anderson Lake Conservation Area (#)
Big-Bend-State-Fish-and-Wildlife-Area-##

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Big River State Forest (#)
 Carlyle Lake Wildlife Management Area (#)
 Chain O'Lakes State Park (closes September 5) (#)
 Clinton Lake State Recreation Area (dove management fields only) (#)
 Eldon Hazlet State Park (closes October 14) (#)
 Fox Ridge State Park (dove management fields only)
 Giant City State Park (#)
 Hidden Springs State Forest (dove management fields only)
 Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14) (#)
Kinkaid Fish and Wildlife Area (#)
 Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (dove management fields only)
 Marseilles Wildlife Area (After Labor Day, site is closed on Fridays, Saturdays, and Sundays through October) (#)
 Middle Fork Middlefork Fish and Wildlife Management Area (dove management fields only) (#)
 Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)
 Moraine View State Park (dove management fields only; season closes October 14) (#)
 Peabody River King State Fish and Wildlife Area (east subunit closes October 14) (#)
 Randolph County State Conservation Area (#)
 Ray Norbut State Fish and Wildlife Area (#)
 Turkey Bluffs State Fish and Wildlife Area (#)
 Union County State Fish and Wildlife Area (season closes October 14) (#)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Washington County Conservation Area (closes October 14) (#)
 Weinberg-King State Park (#)
 f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.
 Crawford County State Fish and Wildlife Area (#)
 Hamilton County State Fish and Wildlife Area (#)
 Horseshoe Lake State Conservation Area (#)
 I-24 Wildlife Management Area (#)
 Lake Le Aqua Na State Park (#)
 Mernett Lake State Fish and Wildlife Area (#)
 Mt. Vernon Game Propagation Center (#)
 Newton Lake Fish and Wildlife Area (dove management units) (#)
 Ramsey Lake State Park (#)
 Red Hills State Park (#)
 Saline County State Fish and Wildlife Area (#)
 Sam Dale Lake Conservation Area (#)
 Sam Parr State Park (#)
 Stephen A. Forbes State Park (#)
 Jubilee College State Park (#)
 Shabbona Lake State Park (#)
 Siloam Springs State Park (#)
 Wayne Fitzgerald State Recreation Area (season opens day after Labor Day) (closes September 30)
 g) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)

Coffeen Lake State Fish and Wildlife Area

Fox Ridge State Park (except dove management units; shooting hours after September 3 are 12 noon to sunset)

Hidden Springs State Forest (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Kickapoo State Park

Lake Shelbyville - Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Little Vermilion River State-Nature Area

Middle Fork Middlefork Fish and Wildlife Area (except dove management units)

Moraine View State Park (except dove management fields; season closes October 14)

Newton Lake Fish and Wildlife Area (except dove management units)

h) Permit Areas

1) Permit Season Regulations

A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5:00 p.m. at the sites listed at the end of this subsection.

B) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservation will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.

C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.

D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Site M as indicated in subsection (h)(3). All permits will be issued from Springfield and not from the site, except at Site M as indicated in subsection (h)(3).

E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.

F) All hunters must wear a DNR issued backpatch.

2) Non-Permit Season Regulations

A) Non-permit season shall be September 6-30 except as indicated in parentheses.

B) Non-permit hunting hours shall be 12 noon - sunset except as indicated in parentheses.

C) No permits are required except as indicated in parentheses.

D) Check in and check out is required except as indicated in parentheses.

E) Hunter quotas will be filled on a first come-first served basis.

3) Sites

Des Plaines Conservation Area (non-permit hunting hours are 12 noon - 5 p.m.)

Edward R. Madigan State Park Fish-and-Wildlife Area

Green River State Wildlife Area/Haecker Sand Prairie Habitat Area (non-permit hunting hours are sunrise - sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon - 5 p.m.)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit hunting hours 12 noon to 5 p.m.)

Sangchris Lake State Park (closed after Sunday of the third weekend in September)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

Site M (non-permit season closes with statewide dove season closing; non-permit season is governed by statewide regulations, permit required as indicated in subsection (g) above; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping

2) Code Citation: 17 Ill. Adm. Code 570

3) Section Numbers: 570.40
Proposed Action: Amendments

4) Statutory Authority: Implementing and authorized by Sections 1-2, 1-3, 2-30, 2-33 and 3-5 of the Wildlife Code [520 ILCS 5/1-2, 1-3, 2-30, 2-33 and 3-5].

5) A. Complete Description of the Subjects and Issues Involved: This Part is being amended to add a regulation at Mackinaw River State Fishing and Wildlife Area regarding water sets only.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:
None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

Section

570.10 Statewide Zones

570.20 Statewide Season Dates

570.30 Statewide Hours, Daily Limit and Possession Limit

570.35 Use of .22 Rimfire Rifles by Trappers During Deer Gun Season

570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19834, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and trapping apply in this Section, unless this Section is more restrictive.
- 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
- 3) Trappers must stay within assigned areas.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.
- 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
- 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
- 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
- 8) No trapping is permitted in subimpoundments or designated waterfowl management units during duck season.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Pyramid State Park (water sets only)

Ray Norbut State Fish and Wildlife Area (all trapping closes December 15 in Eagle Roost Area)

Rend Lake Project Lands and Waters (water sets only)

Siloam Springs State Park

- c) Statewide regulations as provided for in this Part apply at the following sites: in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Coffeen Lake State Fish and Wildlife Area Park

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

East Conant Field

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season)

Ridd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

Little-Vermilion-River-State-Natural-Area

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Panther Creek Conservation Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Peabody River King Fish and Wildlife Area (east, west, and south subunits only)

Randolph County Conservation Area

Redwing Slough/Deer Lake State Natural Area (water sets only; only body gripping traps with a jaw spread of 5-6 inches or less may be used)

Sanganois Fish and Wildlife Area

Sato Field

Site M (only Egg Traps (Registered Trademark), D-P (Dog Proof) Traps (Registered Trademark); box traps, cage traps, and traps of similar design may be used)

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

d) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg traps, D-P (dog-proof) traps, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets (exceptions in parentheses):

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Coleta Ponds

Giant City State Park

Hennepin Canal Parkway including Mississippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

season; no land sets)

Horseshoe Lake State Park-Madison County

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area (water sets only)

Marshall County Fish and Wildlife Area

Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife area

Spring Lake Conservation Area (water sets only)

Starved Rock/Matthiessen State Park

Trail of Tears State Forest

Union County Conservation Area

e) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations shall be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 23 Ill. Reg. _____, effective

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Operation of Watercraft Carrying Passengers for Hire on Illinois Waters

2) Code Citation: 17 Ill. Adm. Code 2080

3) Section Numbers: Proposed Action:
2080.60 Amendments
2080.70 Amendments

4) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-6, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language that persons operating or serving as crew members must carry with them on board the vessel at all times proof of compliance with U.S. Coast Guard DOT Drug Testing Regulations and to amend the license renewal date to bring it into compliance with the Boat Registration and Safety Act.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Owners of watercraft carrying passengers for hire.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance: Owner is required to submit a marine inspection report for licensing. Owner is required to submit to a dockside marine inspection annually and a dry dock inspection every 5 years.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2080
OPERATION OF WATERCRAFT CARRYING PASSENGERS
FOR HIRE ON ILLINOIS WATERS

Section
2080.10 Introduction
2080.20 Definitions
2080.30 Applicability
2080.40 Dry Dock Inspection
2080.50 Dockside Inspection
2080.60 Licensing Requirements
2080.70 License and Decal
2080.75 Rental Boats
2080.80 Misuse of License or Decal
2080.90 Suspension and Revocation of Decals and Licenses

AUTHORITY: Implemented and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

SOURCE: Adopted at 20 Ill. Reg. 15697, effective December 2, 1996; amended at 22 Ill. Reg. 10491, effective June 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 2080.60 Licensing Requirements

- a) Navigable Waters (U.S. Coast Guard License)
 - 1) All persons operating watercraft carrying passengers on the navigable waters of this State shall have a license issued to them by the United States Coast Guard authorizing the operation of navigation of vessels carrying passengers for hire, under the provisions of 46 CFR Subchapters T, K, K', and H.
 - 2) Licensed operators shall only be authorized to operate vessels designated by the license, and on bodies of water so designated on the license.
 - 3) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried on board to be shown on demand.
 - 4) All persons operating or serving as a crew member on board any watercraft carrying passengers for hire on the navigable waters of this State shall carry with them on board the vessel at all times proof of compliance with U.S. Coast Guard DOT Drug Testing

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Regulations (46 CFR 16 and 49 CFR 40).
No U.S. Coast Guard license, as described in subsection (a), shall be required for watercraft operating solely on inland waters.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2080.70 License and Decal

- a) Upon satisfactory completion of the required dry dock and annual dockside inspections, the owner shall forward to the Department the original marine inspection report on the form provided by the Department, along with an application for a "Passengers for Hire" license. The Department shall issue a "Passengers for Hire" license which shall expire on March 1 May 31 of the following year--except that the Department may extend the expiration date for a period not to exceed 30 days when extreme weather conditions exist.
- b) The "Passengers for Hire" license shall be framed under transparent material and posted in a conspicuous place on the vessel. Where posting is impractical, the license shall be kept on board to be shown on demand.
- c) The Department shall issue one expiration validation decal with each license. The decal shall be prominently displayed upon the side of the watercraft as close to the operators' position as possible, per instructions provided by the Department.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) Code Citation: 17 Ill. Adm. Code 550

3) Section Numbers:
550.30 Proposed Action:
Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) A. Complete Description of the Subjects and Issues Involved: This Part is being amended to open and close State-owned or -managed sites.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: This rule was not

DEPARTMENT OF NATURAL RESOURCES

included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

- c) .22 rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Horseshoe Lake Conservation Area - Alexander County (Public Hunting Area except Controlled Hunting Area)

I-24 Wildlife Management Area

Johnson Sauk Trail State Park (archery only; coyote and fox only; season shall coincide with archery deer season on this site)

DEPARTMENT OF NATURAL RESOURCES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 18204, effective October 9, 1986; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.

DEPARTMENT OF NATURAL RESOURCES

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (coyote and fox only; fox statewide season; coyote opens with fox season - February 28; hunting hours 1/2 hour before sunrise - sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (C)

Oakford Conservation Area

Panther Creek Conservation Area (statewide seasons for coyote and striped skunk)

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area)

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

~~Sangamon State Fish and Wildlife Area--(statewide--seasons--for coyote and striped skunk)~~

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Siloam Springs State Park

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset - sunrise)

Trail of Tears State Forest

DEPARTMENT OF NATURAL RESOURCES

Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinburg-King State Park (c)(d)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

9) Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection(b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (shotgun only)

Crawford County Conservation Area

East Conant Field

Fox Ridge State Park

Green River State Wildlife Area (fox, striped skunk and coyote open January 1 ~~all hunting begins on the day after upland game season--raccoon, opossum and fox close with--statewide--season;~~ skunk and coyote close the last day of February)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Kankakee River State Park (no rifle or handgun hunting allowed;

DEPARTMENT OF NATURAL RESOURCES

the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Little-Vermiton-River-State-Natural-Area

Middle Fork Middlefork Fish and Wildlife Management Area

Moraine View State Park (season opens after site's controlled pheasant season; night hunting only)

Ramsey Lake State Park

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and skunk hunting only; statewide seasons for fox, coyote and stiped skunk except during waterfowl season only hunters pursuing waterfowl or upland game in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590 may take fox, coyote and skunk; shotgun only)

Sato Field

Site M (statewide seasons for coyote and striped skunk)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed)

Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting

DEPARTMENT OF NATURAL RESOURCES

sunset to sunrise only; raccoon only)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Squirrel Hunting2) Code Citation: 17 Ill. Adm. Code 6903) Section Numbers:
Proposed Action:
690.30 Amendments4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open and close State-owned or -managed sites.6) Will this rulemaking replace any emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.B) Reporting, bookkeeping or other procedures required for compliance:
NoneC) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rule was summarized: This rule was not

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 690
SQUIRREL HUNTING

Section
690.10 Hunting Seasons
690.20 Statewide Regulations
690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12446, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Hunting with .22 caliber rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (2)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Apple River Canyon State Park - Salem and Thompson Units (2)
Argyle Lake State Park (2)

Big Bend State Fish and Wildlife Area (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (1)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch only)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

I-24 Wildlife Management Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Kinkaid Lake Fish and Wildlife Area (1)

Lowden-Miller State Forest (hunting allowed from September 1 through September 30 only; hunting allowed only on the southern one-half of the site) (1) (2)

Marseilles Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Mermet Lake Conservation Area (non-toxic shot only in waterfowl areas) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Morrison Rockwood State Park (opens November 1 and closes the Thursday before the first statewide firearm deer season) (1) (2)

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Peabody River King State Fish and Wildlife Area (east and north subunits close, November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (closes December 15 in Eagle Roost Area) (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

Saline County Fish and Wildlife Area (1) (2)

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area (1)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Sangamon State Fish and Wildlife Area (†)

Shawnee National Forest, Oakwood Bottoms (non-toxic shot only) (1)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Walnut Point Fish and Wildlife Area (2)

Washington County Conservation Area (2)

Weinberg-King State Park (1) (2)

Wildcat Hollow State Forest (1)

Witkovsky State Wildlife Area (opens after second firearm deer season) (2)

e) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park – Fern Clyffe Hunting Area (2)

Giant City State Park

Hamilton County Conservation Area (2)

Pete Marquette State Park (2)

Pyramid State Park (2)

Siloam Springs State Park (2)

f) Season dates shall be the day after Labor Day to September 30 at the following sites:

Johnson-Sauk Trail State Park (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

- g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges at that site for the following year:

Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)

Clinton Lake State Recreation Area

Coffeeen Lake State Fish and Wildlife Area (area closed during firearm deer season; closes September 30)

East Conant Field (1)

Fox Ridge State Park (1)

Harry "Babe" Woodward State Natural Area

Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1) (1)

Hurricane Creek Habitat Area (season closes October 31)

Kickapoo State Park (season opens day after Labor Day)

Lake Shelbyville - Eagle Creek State Park (closes opening day of site's pheasant season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (1)

Little-Vermilion-River-State-Natural-Area

Middle Fork Middlefork Fish and Wildlife Area (season opens day after Labor Day)

Moraine View State Park

Newton Lake Fish and Wildlife Area (closes September 30)

Ramsey Lake State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sangamon State Fish and Wildlife Area (1)

Sato Field (1)

Site M (the Quality Unit and Controlled Unit close October 31) (1)

Ten Mile Creek Fish and Wildlife Area (1)

- h) Season dates shall be statewide opening through September 30 at the following sites:

Castle Rock State Park (2)

Coffeeen Lake State Fish and Wildlife Area

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

Woodford County Fish and Wildlife Area (2)

- i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

Sand Ridge State Forest (1) (2)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit - statewide closing; non-toxic shot only) (1)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys - Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3) Section Numbers:
720.10 Proposed Action:
720.20 Amendments
720.30 Amendments
720.40 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being made to open and close State-owned and -managed sites; update hunting regulations; and change the purchase of one archery turkey permit to a maximum of two archery turkey permits per season.
- 6) Will this rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:
- Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Case
Christian
Clark
Clay
Clinton
Coles
Coles
Crawford
Cumberland
Edwards
Edwards
Effingham
Fayette
Fulton
Gallatin
Greene
Grundy
Hamilton
Hancock
Hardin
Henderson
Henry
Jackson
Jasper
Jefferson
Jersey
Johnson
Jo Davless
Kankakee
Knox
LaSalle
Lawrence
Lee
Logan
Macopin
Madison

Montgomery
Morgan
Ogle
Peoria
Perry
Pike
Pope
Pulaski
Putnam
Randolph
Richland
Rock Island
Saline
Sangamon
Schuyler
Scott
Shelby
St. Clair
Stephenson
Tazewell
Union
Vermillion
Wabash
Warren
Washington
Wayne
White
Whiteside
Williamson
Winnebago
Woodford

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 720.20 Statewide Turkey Permit Requirements

a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain an archery "wild Turkey Hunting Permit" for a fee of \$5-00. Non-resident turkey hunters shall be charged \$50-00 for wild turkey hunting permits. Paid archery turkey permits are only available over-the-counter (OTC) from license vendors located throughout the State. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 720
THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section
720.10 Hunting Seasons and Counties Open to Hunting
720.20 Statewide Turkey Permit Requirements
720.25 Turkey Permit Requirements - Landowner/Tenant Permits
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 720.10 Hunting Seasons and Counties Open to Hunting

a) Season: Statewide season October 1 through the first Thursday after January 10, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650.

b) Open Counties:

Adams	Marion
Alexander	Marshall
Bond	Mason
Boone	Massac
Brown	McDonough
Bureau	Menard
Calhoun	Mercer
Carroll	Monroe

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- b) Hunters purchasing an archery turkey permit must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- c) An individual may purchase a maximum of two only-one archery turkey permits ~~permit~~ per season. Permits are not transferable and refunds will not be granted.
- d) A \$3-00 service fee will be charged for replacement permits issued by the Department. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.
- e) It shall be unlawful to:
- 1) Purchase or attempt to purchase or receive more than two one archery turkey permits ~~permit~~.
 - 2) Provide false and/or deceptive information to a vendor when purchasing a permit. In addition to criminal charges, individuals found guilty of violating this Section shall have their permit revoked and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 720.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- b) to take, or attempt to take, more than 1 wild turkey per valid permit during the fall archery season (either sex may be harvested);
- c) to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbed and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable blades must be metal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow is illegal;
- d) for any person having taken the limit of wild turkeys a-wild-turkey to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
- e) for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- f) to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg;
- g) to fail to send the mail-in portion of the turkey permit and feathers as indicated on the mail-in envelope to the Department in the envelope supplied within 48 hours of taking a turkey with bow and arrow. Failure to follow this rule constitutes illegal possession of a wild turkey and is punishable by a fine plus turkey hunting privileges being suspended for the following year; and
- h) to possess, while in the field during archery turkey season, any turkey permit issued to another person.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Those sites followed by (2) require hunters to obtain a permit from the site before hunting:

* Anderson Lake Conservation Area (1)

Apple River Canyon State Park - Salem and Thompson Units (1)

Argyle Lake State Park (1)

Beaver Dam State Park (2)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Castle Rock State Park (1)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Chauncey Marsh (2) (permit available at Red Hills State Park)
Crawford County Conservation Area (1)
Cypress Pond State Natural Area (1)
Dixon Springs State Park (1)
Dog Island Wildlife Management Area (1)
East Conant Field (2)
Ferne Clyffe State Park (1)
Fort de Chartres Historic Site
Fort Massac State Park (1)
Franklin Creek State Park (1)
Giant City State Park
Green River State Fish and Wildlife Area (no hunting-Wednesday-through Sunday-during-the-controlled-pheasant-hunting-season) (1)
Hamilton County Conservation Area (must possess valid site archery permit) (2)
Harry "Babe" Woodyard State Natural Area (2)
I-24 Wildlife Management Area (1)
Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)
Jubilee College State Park (2)
Kaskaskia River State Fish and Wildlife Area
Kickapoo State Park (2)
Kinkaid Lake Fish and Wildlife Area
Lowden-Miller State Forest (1)
Mackinaw River State Fish and Wildlife Area (1)
Marseilles Wildlife Area (closed each Friday, Saturday, and Sunday in

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

October) (1)
Marshall State Fish and Wildlife Area (2)
Mermet Lake State Fish and Wildlife Area (1)
Middle Fork Middlefork State Fish and Wildlife Area (2)
Mississippi Palisades State Park (November 1 through December 31) (2)
Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)
Mississippi River Pools 16, 17 and 18
Mississippi River Pools 21, 22 and 24
Newton Lake Fish and Wildlife Area (must possess valid site archery permit) (2)
Oakford Conservation Area
Panther Creek Conservation Area
Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)
Pere Marquette State Park (1)
Pyramid State Park
* Ramsey Lake State Park (2)
* Randolph County Conservation Area
Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)
* Red Hills State Park (1)
* Rend Lake State Fish and Wildlife Area
Saline County Conservation Area (1)
* Sam Dale Lake Conservation Area (2)
* Sam Parr State Park (1)
Sand Ridge State Forest (2)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Sanganois State Fish and Wildlife Area (2)

Sato Field (2)

Siloam Springs State Park

Site M (2)

* Spring Lake State Fish and Wildlife Area (2)

* Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (firing line unit - Statewide season, Public Hunting Area October 1 through 25 days prior to the opening of goose season, reopens with the close of the Quota zone goose season)

* Washington County Conservation Area (1)

Weinburg-King State Park

Wildlife Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Taking of Wild Turkeys - Fall Gun Season

2) Code Citation: 17 Ill. Adm. Code 715

3) Section Numbers:
715.10
Proposed Action:
Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open Madison and Wayne Counties to hunting of wild turkeys.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section
715.10 Hunting Season, Open Counties and Permit Quotas
715.20 Statewide Turkey Permit Requirements
715.21 Turkey Permit Requirements - Special Hunts
715.25 Turkey Permit Requirements - Landowner/Tenant Permits
715.30 Turkey Hunting Regulations
715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10.
b) Open Counties

OPEN COUNTIES

Adams
Alexander
Brown
Calhoun
Carroll
Cass
Gallatin/Hardin (south of Rt. 13 only)
Greene
Hancock
Henderson
Jackson
Jersey

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jo Daviess
Johnson
Knox
Macoupin
Madison
Marion
McDonough
Monroe
Morgan
Pike
Pope (north-of-Rt.-146-entire)
Randolph
Rock Island
Saline
Schuyler
Scott
Stephenson
Union
Wayne
Whiteside
Williamson
Winneshago

- c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Management System: General
 - 2) Code citation: 35 Ill. Adm. Code 720
 - 3) Section Numbers:
720.110 Amended
720.111 Amended
 - 4) Statutory authority: 415 ILCS 5/22.4 and 27
 - 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of April 8, 1999, proposing amendments in docket R99-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.
- This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:
- R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.
- The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this part, the Board will describe the docket as a whole, since amendments to various parts may be inter-related. The following table briefly summarizes the federal actions in the update period:
- | | |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 63 Fed. Reg. 37780
(July 14, 1998) | USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment. |
| 63 Fed. Reg. 42109
(August 6, 1998) | USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste. |
| 63 Fed. Reg. 42580
(August 10, 1998) | USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments. |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 46331 (August 31, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409 (September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the DRS applicable to several carbonate wastes and waste constituents.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253 (September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 (October 9, 1998)
USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709 (October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 (November 19, 1998)
USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873 (November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806 (February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

63 Fed. Reg. 38756 (July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387 (September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the board is acting in this #99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109 (August 6, 1998)
USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409 (September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbonate wastes and waste constituents.

63 Fed. Reg. 50387 (September 21, 1998)
USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253 (September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709 (October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873 (November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806 (February 11, 1999)
USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K179, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket #98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 720 implement segments of the August 18 and September 21, 1998, updates to 40 CFR 136 and the federal November 30, 1998, hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments add at 35 Ill. Adm. Code 720.111 the incorporations by reference of the federal Clean Water Act section 404 dredging permit regulations definitions of 40 CFR 232.2 and the federal RCRA noncompliance reporting requirements of 40 CFR 270.5 for the purposes of 35 Ill. Adm. Code 721.104(g) and 703.305(d), respectively.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates already imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket #99-15 and be addressed to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order in docket R89-15 from Patricia Jones at 312-814-3620.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected; This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section	Purpose, Scope, and Applicability
720.101	Availability of Information; Confidentiality of Information
720.102	Use of Number and Gender
720.103	

SUBPART B: DEFINITIONS

Section	Definitions
720.110	References
720.111	

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	Rulemaking
720.120	Alternative Equivalent Testing Methods
720.121	Waste Delisting
720.122	Petitions for Regulation as Universal Waste
720.123	Procedures for Solid Waste Determinations
720.130	Solid Waste Determinations
720.131	Boiler Determinations
720.132	Procedures for Determinations
720.133	Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.140	Procedures for case-by-case regulation of hazardous waste Recycling Activities
720.141	

APPENDIX A

Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

886-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in 886-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in 886-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in 887-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R97-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6961-6901 et seq.).

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

storage or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Physical characteristics.

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream); and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

Boiler by designation. The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of 35 Ill. Adm. Code 724-Subpart DD and 35 Ill. Adm. Code 725-Subpart DD.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724-Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724-201 and RCRA section 3004(b)(7). A CAMU shall only be used only for managing the management of remediation wastes for pursuant to implementing such corrective action cleanup requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage, or disposal facility,

Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1992);

Has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (1992); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

266.Subpart F; and

which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or dripage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Electric lamp" means the bulb or tube portion of a lighting device

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum.

BOARD NOTE: The definition of "electric lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter, and treatment, storage, or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas

Region VII: Nebraska, Kansas, Missouri, and Iowa

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho, and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state, and local approvals or permits necessary to begin physical construction and either:

A continuous on-site, physical construction program had begun or

The owner or operator had entered into contractual obligations,--which could not be canceled or modified without substantial loss,--for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations,--which cannot be canceled or modified without substantial loss,--for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include U.S. Department of Defense (U.S. DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TSU), and U.S. DOD-certified civilian or contractor personnel and other federal, State, and local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(b).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

"Federal, state, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721-Subpart D, or a constituent listed in of 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is unsuitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See 35 Ill. Adm. Code 725, Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns

Lime kilns

Aggregate kilns

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Phosphate kilns

Coke ovens

Basic furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device which uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing, or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"IDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722. Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added pursuant to Section 22.23a of the Act [415 ICS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Military munitions" means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Armed Services for national defense and security, including military munitions under the control of the U.S. Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (U.S. DOE), and National Guard personnel. The term military munitions includes: contained gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by U.S. DOD components, including bulk explosive and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges and devices, and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under U.S. DOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954, as amended, have been completed.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and that is not a container, tank, tank-system, surface impoundment, pile, and treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730.7, containment building, corrective action management unit (CAMU), or a unit eligible for research, development, and demonstration permit under 35 Ill. Adm. Code 703.231, or staging pile.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system".)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person that who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section ~~Section 201(v)~~ of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC ~~§ 321(v)~~), incorporated by reference in Section 720.111,

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA Section 512, incorporated by reference in Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FFDCA section ~~Section 201(w)~~ (21 USC ~~§ 321(w)~~), incorporated by reference in Section 720.111, that bears or contains any substances described in either of the two preceding paragraphs ~~subsections~~ of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of section ~~Section 2(u)~~ of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC ~~§ 136(u)~~). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of Federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device which uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certification, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and containment rate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325½ and 68 Ill. Adm. Code 1380. "Professional certification" includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

"Regional Administrator" means the Regional Administrator for the USEPA EPA Region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic which are managed for the purpose of implementing cleanup, corrective action, requirements under 35 Ill. Adm. Code 724.201 and RCRA Section 9004(f). For a given facility, remediation wastes may originate only from within the facility boundary but may include waste managed in implementing RCRA sections 9004(f) or 9004(g) for releases beyond the facility boundary.

"Remediation was management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is located in such a facility.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. "Replacement unit" does not include a unit from

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Run-off Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on Runon" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities; except that, as used in the landfill, surface impoundment and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

collection and removal system or leak detection system for subsequent removal from the system.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste, which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning".)

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. Or

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirement of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

Pesticides, as described in 35 Ill. Adm. Code 733.103;

Thermostats, as described in 35 Ill. Adm. Code 733.104; and

Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Universal waste handler" means either of the following:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" or "40-CFR-EPA" means the United States Environmental Protection Agency.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (see "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 720.111 References

a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 731, 733, 738, and 739:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Catholic Protection of Underground Petroleum Storage Tanks

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D98-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D91-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D267-86, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D282-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238.

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535.

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP/02/85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555.

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600.

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/550-SW-87-011, March 15, 1987. (Document number PB 88-1707667-1).

"Guideline on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-358 (Supplement), also set forth at 40 CFR 51, Appendix W).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes--A Guidance Manual, Second Edition", EPA/550-R-93-007, March, 1993. (Document number PB 93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and III (December, 1996) (Document Number 955-001-00000-1).

OECD. Organization for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO(2) Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. DOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Tally Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (WD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-TEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

U.S. GSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1998 1997)

40 CFR 51.100(ii) (1998 1997)

40 CFR 51, Appendix W (1998 1997)

40 CFR 52.741, Appendix B (1998 1997)

40 CFR 60 (1998 1997)

40 CFR 61, Subpart V (1998 1997)

40 CFR 63 (1998 1997) r-as-amended-at-63-Ped-Reg-18564-(Apr-137

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1998#

40 CFR 136 (1998 1997), as corrected at 63 Fed. Reg. 38756 (July 20, 1998) and 63 Fed. Reg. 44146 (Aug. 18, 1998), and amended at 63 62 Fed. Reg. 50387 48994 (Sep. 21 15, 1998 1997)

40 CFR 142 (1998 1997)

40 CFR 220 (1998 1997)

40 CFR 232.2 (1998)

40 CFR 260.20 (1998 1997)

40 CFR 264 (1998 1997)

40 CFR 268.41 (1990)

40 CFR 268-Appendix IX (1998 1997)

40 CFR 270.5 (1998)

40 CFR 302.4, 302.5, and 302.6 (1998 1997)

40 CFR 761 (1998 1997)

49 CFR 171 (1998 1997)

49 CFR 173 (1998 1997)

49 CFR 178 (1998 1997)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987.

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w) and 512(j)), as amended through October 25, 1994.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

d) This Section incorporates no later editions or amendments.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Identification and Listing of Hazardous Waste

2) Code citation: 35 Ill. Adm. Code 721

3) Section Numbers:
721.104
Proposed Action:
Amended

4) Statutory authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of April 6, 1999, proposing amendments in docket R99-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The 899-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780
(July 14, 1998)
USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment.

63 Fed. Reg. 42109
(August 6, 1998)
USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 42580
(August 10, 1998)
USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 46331
(August 31, 1998)

USEPA adopted technical amendments to the May 4, 1998, Organobromine waste rules.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356
(October 9, 1998)

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371
(November 19, 1998)

USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1996, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1996, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1996 (63 Fed. Reg. 42110), effective February 6, 1998, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)
USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)
USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709
(October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)
USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 721 implement segments of the federal November 30, 1998, hazardous waste remediation waste amendments and the February 11, 1999, exclusion for landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first-notice or to second-notice review by JCPR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The existing text of Part 721 includes incorporations by reference. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments add the incorporation of federal Clean Water Act section 404 dredging permit regulations definitions of 40 CFR 232.2 by reference at 35 Ill. Adm. Code 720.111 for the purposes of Section 721.104(g).

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates already imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R99-15 and be addressed to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in Docket R99-15 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose of Scope
721.101	Definition of Solid Waste
721.102	Definition of Hazardous Waste
721.103	Exclusions
721.104	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.105	Requirements for Recyclable Materials
721.106	Residues of Hazardous Waste in Empty Containers
721.107	PCB Wastes Regulated under TSCA
721.108	Requirements for Universal Waste
721.109	

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section	Criteria for Identifying the Characteristics of Hazardous Waste
721.110	Criteria for Listing Hazardous Waste
721.111	

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	Characteristic of Ignitability
721.121	Characteristic of Corrosivity
721.122	Characteristic of Reactivity
721.123	Toxicity Characteristic
721.124	

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General
721.130	Hazardous Wastes From Nonspecific Sources
721.131	Hazardous Waste from Specific Sources
721.132	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
721.133	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

721.1135 Wood Preserving Wastes

721.1138 Comparable or Syngas Fuel Exclusion

APPENDIX A Representative Sampling Methods

Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

APPENDIX B Chemical Analysis Test Methods

TABLE A Analytical Characteristics of Organic Chemicals (Repealed)

TABLE B Analytical Characteristics of Inorganic Species (Repealed)

TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)

APPENDIX D Basis for Listing Hazardous Wastes

Hazardous Constituents

APPENDIX E Hazardous Wastes Excluded by Administrative Action

TABLE A Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources

TABLE B Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources

TABLE C Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

TABLE D Wastes Excluded by the Board by Adjusted Standard

APPENDIX J Method of Analysis of Chlorinated Dibenzop-p-dioxins and Dibenzofurans (Repealed)

APPENDIX Z Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4 and 27).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R82-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2218, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective January 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6033, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-4 at 17 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended at 23 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 721.104 Exclusions

a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
- 2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.
BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
- 3) Irrigation return flows.
- 4) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 USC 8586f-2011 et seq.).
- 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
- 6) Pulp liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Spent sulfuric acid used to produce virgin sulfuric acid unless it is accumulated speculatively, as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
 - A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose;
 - B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and
 - C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsection (a)(9)(A) and (a)(9)(B) of this Section, so long as they meet all of the following conditions:
 - i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;
 - ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;
 - iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;
 - iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in 35 Ill. Adm. Code 725.Subpart W, regardless of whether the plan generates a total of less than 100 kg/month of hazardous waste; and
 - v) Prior to operating pursuant to this exclusion, the plant owner or operator submits a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency shall reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that violations are not likely to recur. If the Agency denies an application, it shall transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act (415 ILCS 5/40).
- 10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.
 - 11) Nonwastewater splash condenser gross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
 - 12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:
 - A) Oil-bearing hazardous secondary materials (i.e., sludges, petroleum, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911) including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)) unless the material is placed on the land, or speculatively accumulated before being so

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B) of this Section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D of this Part, are designated as USPSA hazardous waste number F037 listed wastes when disposed of or intended for disposal.

B) Recovered oils that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A) of this Section. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5175, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D of this Part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.

13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

14) Shredded circuit boards being recycled, provided that they meet the following conditions:

- A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery;
- B) The circuit boards are free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.
- 15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.
- 16) Secondary materials (i.e., sludges, by-products, and spent materials as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing, provided that:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) The secondary material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;

B) The secondary material is not accumulated speculatively;

C) Except as provided in subsection (a)(16)(D) of this Section, the secondary material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smaller buildings may have partially earthen floors, provided that the secondary material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate which may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed and operated to prevent significant releases to the environment of these materials.

D) The Agency shall allow by permit that solid mineral processing secondary materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the secondary material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.

i) The Agency shall also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the secondary material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing secondary material; they must be capable of withstanding physical stresses associated with placement and removal; they must have run on/runoff controls; they must be operated in a manner which controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

- iii) Before making a determination under this subsection (a)(16)(D), the Agency shall provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See 35 Ill. Adm. Code 703-Subpart D for the RCRA Subtitle C permit public notice requirements.

- E) The owner or operator provides a notice to the Agency, identifying the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

- F) For purposes of subsection (b)(7) of this Section, mineral processing secondary materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

- 17) Comparable fuels or comparable syngas fuels (i.e., comparable or syngas fuels) that meet the requirements of Section 721.138.

- 18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:

- A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste code D018);
- B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, byproducts, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

- 19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in Section 721.101(C).

- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
- i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C of this Part until December 7, 1994 to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion regulation (including connected air pollution control equipment).

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

- A) The growing and harvesting of agricultural crops, or
 - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

- 6) Chromium wastes:

A) Wastes that fail the test for the toxicity characteristic (Sections 721.124 and 721.125) because chromium is present or which are listed in Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
- ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
- iii) The waste is typically and frequently managed in non-oxidizing environments.

- B) Specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:

- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and shearing;
- ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and shearing;

- iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and shearing;

- iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and shearing;

- v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and shearing;

- vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

- vii) Waste scrap leather from the leather tanning industry; the shoe manufacturing industry, and other leather product manufacturing industries; and

- viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

- A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

- B) For the purposes of this subsection (b)(7), solid waste from

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the processing of ores and minerals includes only the following wastes as generated:

- i) Slag from primary copper processing;
 - ii) Slag from primary lead processing;
 - iii) Red and brown muds from bauxite refining;
 - iv) Phosphogypsum from phosphoric acid production;
 - v) Slag from elemental phosphorus production;
 - vi) Gasifier ash from coal gasification;
 - vii) Process wastewater from coal gasification;
 - viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
 - ix) Slag tailings from primary copper processing;
 - x) Fluorogypsum from hydrofluoric acid production;
 - xi) Process wastewater from hydrofluoric acid production;
 - xii) Air pollution control dust or sludge from iron blast furnaces;
 - xiii) Iron blast furnace slag;
 - xiv) Treated residue from roasting and leaching of chrome ore;
 - xv) Process wastewater from primary magnesium processing by the anhydrous process;
 - xvi) Process wastewater from phosphoric acid production
 - xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
 - xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
 - xix) Chloride processing waste solids from titanium tetrachloride production; and
 - xx) Slag from primary zinc production.
- C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:
- i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials; and
 - ii) The owner or operator legitimately reclaims the secondary mineral processing materials.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731..

- 11) This subsection corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that uses chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

13) Non-terme plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:

- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
 - B) Hot-draining and crushing;
 - C) Dismantling and hot-draining; or
 - D) Any other equivalent hot-draining method that will remove used oil.
- 14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- 15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, provided that the following conditions are fulfilled:

A) The solid wastes disposed of would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, and K172 if these wastes had been generated after the effective date of the listing (January 19, 1999);

B) The solid wastes described in subsection (b)(15)(A) of this Section were disposed of prior to the effective date of the listing;

C) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and

D) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the Federal Clean Water Act.

After February 13, 2001, leachate or gas condensate will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

compliance with the conditions of this subsection (b)(15) after the emergency ends.

- c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705, and 722 through 725, and 728 or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples.

- 1) Except as provided in subsection (d)(2) of this Section, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing;
 - B) The sample is being transported back to the sample collector after testing;
 - C) The sample is being stored by the sample collector before transport to a laboratory for testing;
 - D) The sample is being stored in a laboratory before testing;
 - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
 - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
- 2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

- A) Comply with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
- B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
 - 1) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

sample; the date of the shipment; and a description of the sample.

- i) Package the sample so that it does not leak, spill, or vaporize from its packaging.

- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.

e) Treatability study samples.

- 1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector;
 - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
 - C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
- 2) The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated wastestream;
- B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste;
- C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.
 - i) The transportation of each sample shipment complies with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - ii) If the USDOT, USPS, or other shipping requirements do

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

- D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) of this Section, or has an appropriate RCRA permit or interim status;
- E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

- i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and
- F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.

- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste;

- A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

- B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

studies when: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

- C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The generator or sample collector shall apply to the Agency and provide in writing the following information:

- i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;
- ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
- iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;
- iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
- v) Such other information as the Agency determines is necessary.

- 4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).
- 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
- 3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous nonhazardous solid waste) added to "as received" hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
 - A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) The quantity of waste accepted;
- D) The quantity of "as received" waste in storage each day;
- E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
- F) The date the treatability study was concluded;
- G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
 - A) The name, address, and USEPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including those whose USEPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;
 - F) When each treatability study was conducted; and
 - G) The final disposition of residues and unused sample from each treatability study.
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702.703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.
- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection (g), the following definitions apply:

"Dredged material" has the same meaning as in 40 CFR 232.2, incorporated by reference in 35 Ill. Adm. Code 720.111.

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

"Permit" means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code citation: 35 Ill. Adm. Code 725

Section Numbers:	Proposed Action:
725.101	Amended
725.190	Amended
725.210	Amended
725.212	Amended
725.218	Amended
725.221	Amended
725.240	Amended
725.238	Amended

4) Statutory authority: 415 ILCS 5/22.4 and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of April 8, 1999, proposing amendments in docket R99-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 (July 14, 1998)	USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment.
63 Fed. Reg. 42109 (August 6, 1998)	USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 42580 (August 10, 1998)
USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409 (September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253 (September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 (October 9, 1998)
USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709 (October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 (November 19, 1998)
USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873 (November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806 (February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

63 Fed. Reg. 38756 (July 20, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 725 implement segments of the federal October 22, 1998, amendments allowing the use of alternative mechanisms to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program and the November 30, 1998, hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 725 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates already imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R99-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R99-15 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda in which this rulemaking was summarized: January 1999

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND
OPERATORS OF HAZARDOUS WASTE TREATMENT,
STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
725.101
725.104

Purpose, Scope and Applicability
Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section
725.110
725.111
725.112
725.113
725.114
725.115
725.116
725.117
725.118
725.119

Applicability
USEPA Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive, or Incompatible Wastes
Location Standards
Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
725.130
725.131
725.132
725.133
725.134
725.135
725.137

Applicability
Maintenance and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
725.150
725.151
725.152
725.153

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Amendment of Contingency Plan
Emergency Coordinator
Emergency Procedures

725.154
725.155
725.156

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
725.170 Applicability
725.171 Use of Manifest System
725.172 Manifest Discrepancies
725.173 Operating Record
725.174 Availability, Retention and Disposition of Records
725.175 Annual Report
725.176 Unmanifested Waste Report
725.177 Additional Reports

SUBPART F: GROUNDWATER MONITORING

Section
725.190 Applicability
725.191 Groundwater Monitoring System
725.192 Sampling and Analysis
725.193 Preparation, Evaluation and Response
725.194 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE

Section
725.210 Applicability
725.211 Closure Performance Standard
725.212 Closure Plan; Amendment of Plan
725.213 Closure; Time Allowed for Closure
725.214 Disposal or Decontamination of Equipment, Structures and Soils
725.215 Certification of Closure
725.216 Survey Plat
725.217 Post-closure Care and Use of Property
725.218 Post-Closure Care ~~closure~~ Plan; Amendment of Plan
725.219 Post-Closure Notices
725.220 Certification of Completion of Post-Closure Care
725.221 Alternative Post-Closure Care Requirements

SUBPART H: FINANCIAL REQUIREMENTS

Section
725.240 Applicability
725.241 Definitions of Terms as Used in this Subpart
725.242 Cost Estimate for Closure
725.243 Financial Assurance for Closure

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

725.244 Cost Estimate for Post-closure Care
725.245 Financial Assurance for Post-closure Monitoring and Maintenance
725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
725.247 Liability Requirements
725.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
725.251 Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
725.270 Applicability
725.271 Condition of Containers
725.272 Compatibility of Waste with Container
725.273 Management of Containers
725.274 Inspections
725.276 Special Requirements for Ignitable or Reactive Waste
725.277 Special Requirements for Incompatible Wastes
725.278 Air Emission Standards

SUBPART J: TANK SYSTEMS

Section
725.290 Applicability
725.291 Assessment of Existing Tank System's Integrity
725.292 Design and Installation of New Tank Systems or Components
725.293 Containment and Detection of Releases
725.294 General Operating Requirements
725.295 Inspections
725.296 Response to leaks or spills and disposition of Tank Systems
725.297 Closure and Post-Closure Care
725.298 Special Requirements for Ignitable or Reactive Waste
725.299 Special Requirements for Incompatible Wastes
725.300 Waste Analysis and Trial Tests
725.301 Generators of 100 to 1000 kg/mo
725.302 Air Emission Standards

SUBPART K: SURFACE IMPROVEMENTS

Section
725.320 Applicability
725.321 Design and Operating Requirements
725.322 Action Leakage Rate
725.323 Response Actions
725.324 Containment System
725.325 Waste Analysis and Trial Tests
725.326 Monitoring and Inspections

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

725.328 Closure and Post-closure Care
 725.329 Special Requirements for Ignitable or Reactive Waste
 725.330 Special Requirements for Incompatible Wastes
 725.331 Air Emission Standards

SUBPART L: WASTE PILES

Section

725.350 Applicability
 725.351 Protection from Wind
 725.352 Waste Analysis
 725.353 Containment
 725.354 Design and Operating Requirements
 725.355 Action Leakage Rates
 725.356 Special Requirements for Ignitable or Reactive Waste
 725.357 Special Requirements for Incompatible Wastes
 725.358 Closure and Post-closure Care
 725.359 Response Actions
 725.360 Monitoring and Inspection

SUBPART M: LAND TREATMENT

Section

725.370 Applicability
 725.372 General Operating Requirements
 725.373 Waste Analysis
 725.376 Food Chain Crops
 725.378 Unsaturated Zone (Zone of Aeration) Monitoring
 725.379 Recordkeeping
 725.380 Closure and Post-closure
 725.381 Special Requirements for Ignitable or Reactive Waste
 725.382 Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section

725.400 Applicability
 725.401 Design Requirements
 725.402 Action Leakage Rate
 725.403 Response Actions
 725.404 Monitoring and Inspection
 725.409 Surveying and Recordkeeping
 725.410 Closure and Post-closure
 725.412 Special Requirements for Ignitable or Reactive Waste
 725.413 Special Requirements for Incompatible Wastes
 725.414 Special Requirements for Liquid Wastes
 725.415 Special Requirements for Containers
 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Lab Packs)

SUBPART O: INCINERATORS

Section

725.440 Applicability
 725.441 Waste Analysis
 725.445 General Operating Requirements
 725.447 Monitoring and Inspection
 725.451 Closure
 725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section

725.470 Other Thermal Treatment
 725.473 General Operating Requirements
 725.475 Waste Analysis
 725.477 Monitoring and Inspections
 725.481 Closure
 725.482 Open Burning; Waste Explosives
 725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section

725.500 Applicability
 725.501 General Operating Requirements
 725.502 Waste Analysis and Trial Tests
 725.503 Inspections
 725.504 Closure
 725.505 Special Requirements for Ignitable or Reactive Waste
 725.506 Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section

725.530 Applicability

SUBPART W: DRIP PADS

Section

725.540 Applicability
 725.541 Assessment of existing drip pad integrity
 725.542 Design and installation of new drip pads
 725.543 Design and operating requirements
 725.544 Inspections

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

725-545 Closure

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section

725-930

Applicability

725-931

Definitions

725-932

Standards: Process Vents

725-933

Standards: Closed-Vent Systems and Control Devices

725-934

Test methods and procedures

725-935

Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section

725-950

Applicability

725-951

Definitions

725-952

Standards: Pumps in Light Liquid Service

725-953

Standards: Compressors

725-954

Standards: Pressure Relief Devices in Gas/Vapor Service

725-955

Standards: Sampling Connecting Systems

725-956

Standards: Open-ended Valves or Lines

725-957

Standards: Valves in Gas/Vapor or Light Liquid Service

725-958

Standards: Pumps, Valves, Pressure Relief Devices, Flanges and other Connectors

725-959

Standards: Delay of Repair

725-960

Standards: Closed-vent Systems and Control Devices

725-961

Percent Leakage Alternative for Valves

725-962

Skip Period Alternative for Valves

725-963

Test Methods and Procedures

725-964

Recordkeeping Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section

725-980

Applicability

725-981

Definitions

725-982

Schedule for Implementation of Air Emission Standards

725-983

Standards: General

725-984

Waste Determination Procedures

725-985

Standards: Tanks

725-986

Standards: Surface Impoundments

725-987

Standards: Containers

725-988

Standards: Closed Vent Systems and Control Devices

725-989

Inspection and Monitoring Requirements

725-990

Recordkeeping Requirements

Alternative Tank Emission Control Requirements (Repealed)

725-991

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART DD: CONTAINMENT BUILDINGS

Section

725-1100

Applicability

725-1101

Design and operating standards

725-1102

Closure and Post-Closure Care

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section

725-1200

Applicability

725-1201

Design and Operating Standards

725-1202

Closure and Post-Closure Care

APPENDIX A

Recordkeeping Instructions

APPENDIX B

EPA Report Form and Instructions (Repealed)

APPENDIX C

EPA Interim Primary Drinking Water Standards

APPENDIX D

Tests for Significance

APPENDIX E

Examples of Potentially Incompatible Waste

APPENDIX F

Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended at 23 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are fulfilled.
- b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 and 724.659 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 USC 6961-6991 et seq.) and 35 Ill. Adm. Code 703.150, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, that have failed to provide timely notification as required by Section 3010(a) of RCRA or that have failed to file Part A of the Permit Application, as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Interim status.

- c) The requirements of this Part do not apply to:
 - 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 USC 656-67 1431-1434; 33 USC 656-67 1401);
 - 2) This subsection corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;
 - 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;
- BOARD NOTE: The owner or operator of a facility under subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704-Subpart F.
- 4) This subsection corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;
 - 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
 - 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726. Subpart Subparts C, F, G, or H or 35 Ill. Adm. Code 739;
 - 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
 - 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
 - 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
 - 10) The owner or operator of an elementary neutralization unit or a waste water treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High VOC Subcategory defined in 35 Ill. Adm. Code 728-Table F or reactive (D003) waste in order to remove the characteristic before land

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

disposal, the owner or operator shall **must** comply with the requirements set out in Section 725.117(b);

11) Immediate response:

A) Except as provided in subsection (c)(11)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
- ii) An imminent and substantial threat of a discharge of a hazardous waste;
- iii) A discharge of a material that becomes a hazardous waste when discharged; or
- iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosives material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

B) An owner or operator of a facility otherwise regulated by this Part shall **must** comply with all applicable requirements of 725.Subparts C and D.

C) Any person that is covered by subsection (c)(11)(A) of this Section that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;

D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that **who** do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of response, the responsible persons responding, the type and description of material addressed, and its disposition;

12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;

14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:

- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
- B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- C) Thermosats, as described in 35 Ill. Adm. Code 733.104; and
- D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (c)(14)(D) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026, or F027 unless:

- 1) The waste water treatment sludge is generated in a surface impoundment as part of the plant's waste water treatment system;
- 2) The waste is stored in tanks or containers; piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of 725.Subpart L;
- 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
- 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.

e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.

f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

g) Other bodies of regulations may apply a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART F: GROUNDWATER MONITORING

Section 725.190 Applicability

- a) The owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste shall must implement a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility, except as Section 725.101 and paragraph (c) provide otherwise.
- b) Except as paragraphs (c) and (d) provide otherwise, the owner or operator shall must install, operate, and maintain a groundwater monitoring system which meets the requirements of Section 725.191 and shall must comply with Sections 725.192 through 725.194. This groundwater monitoring program must be carried out during the active life of the facility and for disposal facilities during the post-closure care period as well.
- c) All or part of the groundwater monitoring requirements of this Subpart may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial or agricultural) or to surface water. This demonstration must be in writing and must be kept at the facility. This demonstration must be certified by a qualified geologist or geotechnical engineer and must establish the following:
 - 1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer by an evaluation of:
 - A) A water balance of precipitation, evapotranspiration, runoff, and infiltration; and
 - B) Unsaturated zone characteristics (i.e., geologic materials, physical properties, and depth to ground water); and
 - 2) The potential for hazardous waste or hazardous waste constituents which enter the uppermost aquifer to migrate to a water supply well or surface water by an evaluation of:
 - A) Saturated zone characteristics (i.e., geologic materials, physical properties, and rate of groundwater flow); and
 - B) The proximity of the facility to water supply wells or surface water.
- d) If an owner or operator assumes (or knows) that groundwater monitoring of indicator parameters in accordance with Sections 725.191 and 725.192 would show statistically significant increases (or decreases in the case of pH) when evaluated under Section 725.193(b), he may install, operate and maintain an alternate groundwater monitoring system (other than the one described in Sections 725.191 and 725.192).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

If the owner or operator decides to use an alternate groundwater monitoring system it shall he must have:

- 1) By November 19, 1981, submitted to the Regional Administrator a specific plan, certified by a qualified geologist or geotechnical engineer, which satisfies the requirements of 40 CFR 265.93(d)(3) for an alternate groundwater monitoring system;
 - 2) By November 19, 1981, initiated the determinations specified in 40 CFR 265.93(d)(4);
 - 3) Prepare and submit a written report in accordance with Section 725.193(d)(5);
 - 4) Continue to make the determinations specified in Section 725.193(d)(4) on a quarterly basis until final closure of the facility; and
 - 5) Comply with the recordkeeping and reporting requirements in Section 725.194(b).
- e) The groundwater monitoring requirements of this Subpart may be waived with respect to any surface impoundment which:
- 1) Is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristic under 35 Ill. Adm. Code 721.1122 or are listed as hazardous wastes in 35 Ill. Adm. Code 721.1122 or only for this reason; and
 - 2) Contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.
- f) The Board will or the Agency shall establish alternative requirements for ground water monitoring that replace all or part of the requirements of this Subpart F applicable to a regulated unit (as defined in 35 Ill. Adm. Code 724.190), as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:
- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
 - 2) It is not necessary to apply the groundwater monitoring requirements of this Subpart F because the alternative requirements will adequately protect human health and the environment. The alternative standards for the regulated unit must meet the requirements of 35 Ill. Adm. Code 724.201(a).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: CLOSURE AND POST-CLOSURE

Section 725.210 Applicability

Except as Section 725.101 provides otherwise:

- a) Sections 725.211 through 725.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and
- b) Sections 725.216 through 725.220 (which concern post-closure care) apply to the owners and operators of:
 - 1) All hazardous waste disposal facilities; or
 - 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure to the extent that these Sections are made applicable to such facilities in Section Sections 725.328 or 725.338; or
 - 3) Tank systems which are required under Section 725.297 to meet requirements for landfills; or
 - 4) Containment buildings that are required under Section 725.1102 to meet the requirements for landfills.
- c) Section 725.221 applies to owners and operators of units that are subject to the requirements of 35 Ill. Adm. Code 703.161 and that are regulated under alternative requirements (as established pursuant to 35 Ill. Adm. Code 703.161).
- d) The Board will or the Agency shall establish alternative requirements that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards in Section 725.211(c)) applying to a regulated unit (as defined in 35 Ill. Adm. Code 724.190), as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:
 - 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
 - 2) It is not necessary to apply the closure requirements of this Subpart (and those referenced herein) because the alternative requirements will adequately protect human health and the environment, and will satisfy the closure performance standard of Section 725.211(a) and (b).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 725.212 Closure Plan; Amendment of Plan

- a) Written plan plan. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee, or representative of the Agency.
- b) Content of plan. The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:
- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211; and
 - 2) A description of how final closure of the facility will be conducted in accordance with Section 725.211. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility; and
 - 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing or disposing of all hazardous waste, and identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable; and
 - 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and
 - 5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
 - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included); and
 - 7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Section Sections 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without approved closure plans; and:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

8) For facilities where the Board or Agency has established alternative requirements at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the Board order or Agency permit establishing those alternative requirements.

c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the Agency to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Agency.

1) The owner or operator shall amend the closure plan, whenever:

- Changes in the operating plans or facility design affect the closure plan; or

B) Whenever there is a change in the expected year of closure,

C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan; or

D) The owner or operator requests the Board or Agency to establish alternative requirements, as provided under 35 Ill. Adm. Code 703.161, to a regulated unit under Section 725.190(f), 725.210(c), or 725.240(d).

2) The owner or operator shall amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles that who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.

3) An owner or operator with an approved closure plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles that who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

703.280 792-289, the modification to the plan shall be approved according to the procedures in subsection (d)(4) of this Section below.

4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1) of this Section 7 above. An owner or operator with an approved closure plan shall submit the modified plan within 60 days after the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280 792-289, the modification to the plan must be approved in accordance with the procedures in subsection (d)(4) of this Section 7 below.

d) Notification of partial closure and final closure.

1) When notice is required.

A) The owner or operator shall submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier.

B) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.

C) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

D) Owners or operators with approved closure plans shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit.

E) Owners or operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.

F) Owners and operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

2) The date when the owner or operator "expects to begin closure" must be either:

A) Within 30 days after the date on which hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency shall approve an extension to this one-year limit; or

- B) For units meeting the requirements of Section 725.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Agency shall approve an extension to this one-year limit.

- 3) The owner or operator shall submit the closure plan to the Agency no later than 15 days after:

- A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
- B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or close.

- 4) The Agency shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency shall approve, modify, or disapprove the plan within 90 days of its receipt. If the Agency does not approve the plan, the Agency shall provide the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency shall assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481, 725.504, and 724.1102. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 725.218 Post-Closure Care closure Plan; Amendment of Plan

- a) Written Plan. The owner or operator of a hazardous waste disposal unit shall have a written post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure shall prepare a post-closure care plan and submit it to the Agency within 90 days after the date that the owner or operator or Agency determines that the hazardous waste management unit or facility must be closed as a landfill, subject to the requirements of Sections 725.217 through 725.220.

- b) Until final closure of the facility, a copy of the most current post-closure care plan must be furnished to the Agency upon request, including request by mail. In addition, for facilities without approved post-closure care plans, it must also be provided during site inspections, on the day of inspection, to any officer, employee or representative of the Agency. After final closure has been certified, the person or office specified in subsection (c)(3) shall keep the approved post-closure care plan during the post-closure care period.

- c) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities which will be carried on after closure of each disposal unit and the frequency of these activities and include at least:

- 1) A description of the planned monitoring activities and frequencies at which they will be performed to comply with Subparts F, L, M, and N during the post-closure care period.
- 2) A description of the planned maintenance activities and frequencies at which they will be performed to ensure:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts K, L, M, and N; and
- B) The function of the monitoring equipment in accordance with the requirements of Subparts F, K, L, M, and N.7-and
- 3) The name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.
- 4) For a facility subject to Section 725.221, provisions that satisfy the requirements of Section 725.221(a)(1) and (a)(3).
- 5) For a facility where the Board or Agency has established alternative requirements at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the Board order or Agency permit establishing those requirements.
- a) Amendment of plan. The owner or operator may amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure care plan shall submit a written request to the Agency to authorize a change to the approved plan. The written request must include a copy of the amended post-closure care plan for approval by the Agency.

- 1) The owner or operator shall amend the post-closure care plan whenever:
 - A) Changes in operating plans or facility design affect the post-closure care plan; or
 - B) Events occur during the active life of the facility, including partial and final closures, which affect the post-closure care plan; or
 - C) The owner or operator requests the Board or Agency to establish alternative requirements to a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d).
- 2) The owner or operator shall amend the post-closure care plan at least 60 days prior to the proposed changes in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure care plan.
- 3) An owner or operator with an approved post-closure care plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure care plan. If an owner or operator has a surface impoundment or a waste pile that who intended to remove all hazardous wastes at closure in accordance with Section 725.328(b) or 725.358(a) is required to close as a landfill in accordance with Section 725.410, the owner or operator shall submit a post-closure care plan within 90 days after the determination by the owner or operator or Agency that

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- the unit must be closed as a landfill. If the amendment to the post-closure care plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan must be approved according to the procedures in subsection (f).
- 4) The Agency may request modifications to the plan under the conditions described in above subsection (d)(1) of this Section. An owner or operator with an approved post-closure care plan shall submit the modified plan no later than 60 days after the request from the Agency. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280 the modifications to the post-closure care plan must ~~shall~~ be approved in accordance with the procedures in subsection (f). If the Agency determines that an owner or operator of a surface impoundment or waste pile that who intended to remove all hazardous wastes at closure shall close the facility as a landfill, the owner or operator shall submit a post-closure care plan for approval to the Agency within 90 days after the determination.
 - e) The owner or operator of a facility with hazardous waste management units subject to these requirements shall submit the post-closure care plan to the Agency at least 180 days before the date the owner or operator expects to begin partial or final closure of the first hazardous waste disposal unit. The date when the owner or operator "expects to begin closure" of the first hazardous waste disposal unit must be either within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. The owner or operator shall submit the closure plan to the Agency no later than 15 days after:
 - 1) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
 - 2) Issuance of a judicial decree or Board order to cease receiving wastes or close.
 - f) Procedures.
 - 1) Except as provided in subsection (f)(2), the Agency shall provide the owner or operator and the public through a newspaper notice the opportunity to submit written comments on the post-closure care plan and request modifications to the plan, no later than 30 days after the date of the notice. The Agency may also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the post-closure care plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

notice of the opportunity for written public comments and the two notices may be combined.) The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency determines not to approve the plan, the Agency shall provide the owner or operator with a detailed statement of reasons for the refusal and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statements. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved post-closure care plan. Any final Agency determination shall ensure that the approved post-closure care plan is consistent with Sections 725.217 through 725.220. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

2) The Agency shall not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.

9) The post-closure care plan and length of the post-closure care period may be modified at any time prior to the end of the post-closure care period in either of the following two ways:

1) The owner or operator or any member of the public may petition to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause.

A) The petition must include evidence demonstrating that:

i) The secure nature of the hazardous waste management unit or facility makes the post-closure care requirement(s) unnecessary or supports reduction of the post-closure care period specified in the current post-closure care plan (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology or alternative disposal, treatment, or re-use techniques indicate that the facility is secure), or

ii) The requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).

B) These petitions must be considered only when they present new and relevant information not previously considered.

i) Except as provided in subsection (g)(1)(B)(ii), whenever the Agency is considering a petition, it shall provide the owner or operator and the public,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure care plan. The Agency shall give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) After considering the comments, the Agency shall issue a final determination, based upon the criteria set forth in subsection(g)(1).

ii) The Agency shall not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.

C) If the Agency denies the petition, it shall send the petitioner a brief written response giving a reason for the denial.

2) The Agency shall tentatively decide to modify the post-closure care plan if the Agency determines that it is necessary to prevent threats to human health and the environment. The Agency may propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause or alter the requirements of the post-closure care period based on cause.

A) The Agency shall provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days after the date of the notice and the opportunity for a public hearing as in subsection (g)(1)(B). After considering the comments, the Agency shall issue a final determination.

B) The Agency shall base its final determination upon the same criteria as required for petitions under subsection (g)(1)(A). A modification of the post-closure care plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Agency would then determine whether the requirement(s) should be permanently discontinued or reinstated to prevent threats to human health and the environment.

h) The Agency procedures described in Sections 725.212 through 725.219 are in the nature of permit amendments. Amendment of refusal to amend the plan is a permit denial for purposes of appeal pursuant to 35 Ill. Adm. Code 105. The Agency shall not amend permits in such a manner so that the permit would not conform with Board regulations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) If any person seeks a closure or post-closure care plan which would not conform with Board regulations, such person shall file a site-specific rulemaking petition pursuant to 35 Ill. Adm. Code 102 or a variance petition pursuant to 35 Ill. Adm. Code 104.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 725.221 Alternative Post-Closure Care Requirements

- a) An owner or operator that is subject to the requirements to obtain a post-closure care permit under 35 Ill. Adm. Code 703.Subpart B for which the Board or Agency has established alternative requirements, as provided in 35 Ill. Adm. Code 703.161, shall comply with the following requirements:

- 1) The requirements to submit information about the facility in 35 Ill. Adm. Code 703.214;
- 2) The requirements for facility-wide corrective action in 35 Ill. Adm. Code 724.201; and
- 3) The requirements of 35 Ill. Adm. Code 724.191 through 724.200.

- b) Implementation of Alternative Requirements.

- 1) Public notice, public comments, and public hearing.

A) In establishing alternative requirements under this Section, the Board will assure a meaningful opportunity for public involvement that, at a minimum, includes public notice and the opportunity for public comment, as provided for under the relevant provisions of the Act:

- i) For site-specific rulemaking, in Sections 27 and 28 of the Act [415 ILCS 5/27 and 28];
- ii) For an adjusted standard, in Section 28.1 of the Act [415 ILCS 5/28.1];
- iii) For a variance, in Sections 35 through 38 of the Act [415 ILCS 5/35 through 38].

- B) When an owner or operator submits a plan to the Agency pursuant to 35 Ill. Adm. Code 740 or 742, the Agency shall provide public notice and an opportunity for public hearing on the plan according to the requirements of 35 Ill. Adm. Code 705.Subparts D and E.

- 1) If the Agency determines that even a short delay in the implementation of a remedy would adversely affect human health or the environment, the Agency may delay compliance with the requirements of subsection (b)(2) of this Section and immediately implement the remedy. However, the Agency shall assure involvement of the public at the earliest opportunity and, in all cases, upon making the decision that additional remedial action is not needed at the facility.

- ii) The Agency may allow a remediation initiated prior to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

August 6, 1999 to substitute for corrective action required under a post-closure care permit even if the public involvement requirements of subsection (b)(2) of this Section have not been met so long as the Agency assures the notice and comment on the decision that no further remediation is necessary to adequately protect human health and the environment takes place at the earliest reasonable opportunity after August 6, 1999.

(Source: Added at 23 Ill. Reg. _____, effective _____)

SUBPART H: FINANCIAL REQUIREMENTS

Section 725.240 Applicability

- a) The requirements of Sections 725.242, 725.243, and 725.247 through 725.250 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 725.101.

- b) The requirements of Sections 725.244 and 725.246 apply only to owners and operators of:

- 1) Disposal facilities; or
- 2) Tank systems that are required under Section 725.297 to meet the requirements for landfills; or
- 3) Containment buildings that are required under Section 725.1102 to meet the requirements for landfills.

- c) States and the Federal Government are exempt from the requirements of this Subpart.

- d) The Board will establish alternative requirements that replace all or part of the financial assurance requirements of Subpart H of this Part applying to a regulated unit, as provided in 35 Ill. Adm. Code 703.161, where the Board has done the following:

- 1) The Board has established alternative requirements for the regulated unit established under Section 725.190(f) or Section 724.210(d); and
- 2) The Board determines that it is not necessary to apply the financial assurance requirements of Subpart H of this Part because the alternative financial assurance requirements will adequately protect human health and the environment.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** Land Disposal Restrictions
- 2) **Code citation:** 35 Ill. Adm. Code 728
- 3)

Section Numbers:	Proposed Action:
728.102	Amended
728.139	Amended
728.140	Amended
728.150	Amended
728 Table T	Amended
728 Table U	Amended
- 4) **Statutory authority:** 415 ILCS 5/22.4 and 27
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of April 8, 1999, proposing amendments in docket R99-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1996, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 USEPA withdrew segments of a May 6, 1998 (July 14, 1998) direct final rule that drew adverse comment.

63 Fed. Reg. 42109 USEPA adopted new waste listings and land (August 6, 1998) disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 63 Fed. Reg. 42580 USEPA adopted corrections to the May 4, 1998, (August 10, 1998) organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.
- 63 Fed. Reg. 46331 USEPA adopted technical amendments to the May (August 31, 1998) 4, 1998, organobromine waste rules.
- 63 Fed. Reg. 47409 USEPA changed the effective dates and adopted (September 4, 1998) emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.
- 63 Fed. Reg. 48124 USEPA issued an extension of the Phase IV LDR (September 9, 1998) compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.
- 63 Fed. Reg. 51253 USEPA adopted LDR treatment standards (September 24, 1998) applicable to spent potliners from primary aluminum production.
- 63 Fed. Reg. 54356 USEPA changed the compliance deadline of the (October 9, 1998) August 6, 1998 petroleum waste rules until December 8, 1998.
- 63 Fed. Reg. 56709 USEPA amended the treatment, storage, and (October 22, 1998) disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.
- 63 Fed. Reg. 64371 USEPA issued a final decision not to list 14 (November 19, 1998) waste solvents as hazardous waste.
- 63 Fed. Reg. 65873 USEPA adopted new remedial action plan (RAP) (November 30, 1998) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.
- 63 Fed. Reg. 71225 USEPA adopted corrective and clarifying (December 24, 1998) amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10, and 31, September 9, and October 9, 1996, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806
(February 11, 1999)
USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

63 Fed. Reg. 38756
(July 20, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 50387
(September 21, 1998)
USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)
USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)
USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
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USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 728 implement segments of the federal September 4, 1998, carbamate waste land disposal restriction emergency amendments; the September 24, 1998, primary aluminum production spent potliner and disposal restriction treatment standards; and the November 30, 1998, hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first-notice or to second-notice review by JOCAP.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 728 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates already imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

proposal for a period of 45 days after the date of this publication. Comments should reference Docket R99-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 111-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order in docket R99-15 from Patricia Jones at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes
728.109	

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	Waste
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	Waste
728.130	Waste Specific Prohibitions -- Wood Preserving Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes (Repealed)
728.133	Waste Specific Prohibitions -- Organobromine Wastes
728.134	Waste Specific Prohibitions -- Toxicity Characteristic Metal Wastes
728.135	Waste Specific Prohibitions -- Petroleum Refining Wastes
728.136	Waste Specific Prohibitions -- Newly Listed Wastes (Repealed)
728.137	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138	Waste-Specific Prohibitions: Newly-identified Organic Toxicity Characteristic Wastes and Newly-listed Coke By-Product and Chlorotoluene Production Wastes

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Waste-Specific Prohibitions: End-of-pipe--CWA--GWA-Equivalent--and Class--I-Nonhazardous-Waste-injection-Well-Treatment-Standards; Spent Aluminum Potliners, and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section	Applicability of Treatment Standards
728.140	Treatment Standards Expressed as Concentrations in Waste Extract
728.141	Treatment Standards Expressed as Specified Technologies
728.142	Treatment Standards Expressed as Waste Concentrations
728.143	Adjustment of Treatment Standard
728.144	Treatment Standards for Hazardous Debris
728.145	Alternative Treatment Standards Based on HWR
728.146	Universal Treatment Standards
728.148	Alternative LDR Treatment Standards for Contaminated Soil
728.149	

SUBPART E: PROHIBITIONS ON STORAGE

Section	Prohibitions on Storage of Restricted Wastes
728.150	
APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
APPENDIX B	Treatment Standards (As Concentrations in the Treatment Residual Extract) (Repealed)
APPENDIX C	List of Halogenated Organic Compounds (Repealed)
APPENDIX D	Wastes Excluded from Lab Packs
APPENDIX E	Organic Lab Packs (Repealed)
APPENDIX F	Technologies to Achieve Deactivation of Characteristics
APPENDIX G	Federal Effective Dates
APPENDIX H	National Capacity LDR Variances for UIC Wastes
APPENDIX I	Ep Toxicity Test Method and Structural Integrity Test
APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
APPENDIX K	Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to Section 728.103(c)
TABLE A	Constituent Concentrations in Waste Extract (COWE)
TABLE B	Constituent Concentrations in Wastes (CW)
TABLE C	Technology Codes and Description of Technology-Based Standards
TABLE D	Technology-Based Standards by RCRA Waste Code
TABLE E	Standards for Radioactive Mixed Waste
TABLE F	Alternative Treatment Standards for Hazardous Debris
TABLE G	Alternative Treatment Standards Based on HWR
TABLE H	Wastes Excluded from CCW Treatment Standards
TABLE I	Generator Paperwork Requirements
TABLE T	Treatment Standards for Hazardous Wastes
TABLE U	Universal Treatment Standards (UTS)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Sections 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ICS 5/22-4 and 27).

SOURCE: Adopted in R87-5 at 111. Reg. 19354, effective November 12, 1987; amended in R87-39 at 112. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15. Reg. 14716, October 11, 1991; amended in R91-13 at 16. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19. Reg. 9660, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22. Reg. 783, effective December 16, 1997; amended in R98-12 at 22. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.102 Definitions

When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D of this Part, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"End-of-pipe" refers to the point where effluent is discharged to the environment.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Section 728-Appendix C of this Part.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721-Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721-Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C.

"Inorganic metal-bearing waste" is one for which USPPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Section-728-Appendix K of this Part.

"Inorganic solid debris" are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve and that require cutting or crushing or grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either cross or scoria).

Glassified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

Metal cans, containers, drums, or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances, or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Industrial equipment.

Scrap metal, as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land, except in a corrective action management unit or staging pile, and "land disposal" includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground miner or cave, or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1996), or similar regulations in other States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1996).

"Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the U.S. Natural Resources Soil Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal, processes and which is made up primarily of soil by volume based on visual inspection.

"Stormwater impoundments" are surface impoundments that receive wet weather flow and which receive process waste only during wet weather events.

"Underlying hazardous constituent" means any constituent listed in Table U of this Part, "Universal Treatment Standards (UTS)", except fluoride, selenium, sulfides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

"40 CFR--EPA--or--USEPA" means the United States Environmental Protection Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Wastewaters" are wastes that contain less than 1 percent by weight total organic carbon (TOC) and less than 1 percent by weight total suspended solids (TSS).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 728.139 Waste-Specific Prohibitions: End-of-pipe-CWA-CWA-Equivalent and-Class--I--Nonhazardous-Waste-Injection--Well--Treatment--Standard--Spent Aluminum Polyliner and Carbamate Wastes

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA Hazardous Waste numbers K156-K159 and K161; and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

b) The wastes identified in 35 Ill. Adm. Code 721.123 as USEPA hazardous waste number D003 are prohibited from land disposal, other than those that are managed in a system whose discharge is regulated under 35 Ill. Adm. Code: Subtitle C, one that injects hazardous waste in Class I waste injection well regulated under 35 Ill. Adm. Code 702, 704, and 730, or one that is a zero discharger that engages in federal Clean Water Act (CWA)-equivalent treatment before ultimate land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices that have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see Section 728.140)).

c) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

d) **Radioactive Effective--April--89--1998--radioactive wastes mixed with waste designated by any of USEPA hazardous waste numbers K088, K156 through K159, K161, P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.**

e) This subsection corresponds with 40 CFR 268.39(e), which expired by its own terms after April 8, 1998. This statement maintains structural parity with the federal regulations. **Until April--89--1998, the wastes included in subsections (a)-(b)-(c)-(d)-(e) of this Section may be disposed in a landfill or surface impoundment only if such unit complies with the requirements of Section 728.105(h)(4)(7).**

f) The requirements of subsections (a), (b), (c), and (d) of this Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

do not apply if:

- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
 - 2) The person conducting the disposal has been granted an exemption from a prohibition under a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternative treatment standards established pursuant to a petition granted under Section 728.144; or
 - 4) The person conducting the disposal has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.
- g) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards set forth in Section 728.140, the initial generator shall must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If a waste contains constituents in excess of the applicable 728-Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable to the waste, except as otherwise specified.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Table T of this Part, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in that Section. For each waste, Table T identifies one of three types of treatment standard requirements:
 - 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in that Section for that waste ("total waste standards");
 - 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in that Section ("waste extract standards"); or
 - 3) The waste must be treated using the technology specified in that Section ("technology standard"), which is described in detail in Table C of this Part, "Technology Codes and Description of Technology-Based Standards".
- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310. The Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

- c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

d) Notwithstanding the prohibitions specified in subsection (a) of this Section, treatment and disposal facilities may demonstrate (and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Table T of this Part, provided the following conditions are satisfied:

- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
 - 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) of this Section to treat the organic constituents; and
 - 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Table T of this Part by an order of magnitude.
- e) For a characteristic waste (USEPA hazardous waste number D001 through D043) that is subject to treatment standards set forth in Table T of this Part, "Treatment Standards for Hazardous Wastes", and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I non-hazardous nonhazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102(i)) must meet the universal treatment standards, set forth in Table U of this Part prior to land disposal, as defined in Section 728.102(c).
- f) The treatment standards for USEPA hazardous waste numbers F001 through

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

- g) This subsection corresponds to 40 CFR 268.40(g), added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired. This statement maintains structural consistency with the federal rules.
- h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.

- i) Zinc-containing fertilizers that are produced for the use of the general public and which are produced from or contain recycled characteristic hazardous wastes (D004 through D011) are subject to the applicable treatment standards set forth in 40 CFR 268.41 (1990), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: USEPA added 40 CFR 268.40(i) at 63 Fed. Reg. 46331 (Aug. 31, 1998) to stay the Phase IV land disposal restrictions (IDRS) as they apply to zinc-containing fertilizers while it develops a more comprehensive set of regulations applicable to use of hazardous waste in making fertilizers. To effect the stay, USEPA applied the 1990 LOR standards to the affected materials.

- 1) The treatment standards for the wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in Table P of this Part, "Treatment Standards for Hazardous Wastes," or by treating the waste by the following technologies: combustion, as defined by the technology code of CMBS7 at Table C, for nonwastewaters; and biodegradation, as defined by the technology code B10G; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBS7 at Table C, for wastewaters.

BOARD NOTE: USEPA added a second 40 CFR 268.40(i) at 63 Fed. Reg. 46415 (Sep. 4, 1998) to indefinitely extend the alternative treatment standards for seven carbonate wastes. The Board has incorporated this later-adopted duplicate subsection (i) as subsection (1).

(Source: Amended at 23 Ill. Reg. _____, effective

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: PROHIBITIONS ON STORAGE

Section 720.150 Prohibitions on Storage of Restricted Wastes

- a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C of this Part is prohibited, unless the following conditions are met:

1) A generator stores such wastes in tanks, containers or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.134 and 35 Ill. Adm. Code 724 and 725. (A generator that who is in existence on the effective date of a regulation under this Part and that who must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and shall must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153).

2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and;

A) Each container is clearly marked to identify its contents and the date each period of accumulation begins;

B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

b) An owner or operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) An owner or operator of a treatment, storage, or disposal facility may store such wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under 40 CFR 268.5, incorporated by reference in section 728.105, an approved Section 728.106 petition or a national capacity variance under 40 CFR 268, Subpart C, the prohibition in subsection (a) does not apply during the period of such exemption.
- e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142 and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.
- f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) of this Section above do not apply to such PCB wastes prohibited under Section 728.132.
- g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to 35 Ill. Adm. Code 724.654.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 728. TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code	Waste Description and Treatment or Regulatory Subcategory (1)	Wastewaters	Nonwastewaters
Regulated Hazardous Constituent	CAS(2) Number	Concentration in mg/l(3); or Technology Code(4)	Concentration in mg/kg(5) unless noted as "mg/l TCLP"; or Technology Code(4)
D001(9)	Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.	NA	DEACT and meet Section 728.148 standards;(8) or RORGS; or CMBST
D001(9)	High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10 percent total organic carbon. (Note: This subcategory consists of nonwastewaters only.)	NA	RORGS; or CMBST; or POLYM
D002(9)	Corrosive Characteristic Wastes.	NA	DEACT and meet Section 728.148 standards(8)
D002, D004, D005, D006, D007, D008, D009, D010, D011	Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)	NA	HLVIT
Arsenic	Corrosivity (pH)	NA	7440-38-2 NA

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT
D003(9)	Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).		
NA	NA	DEACT	DEACT
D003(9)	Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).		
NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
D003(9)	Unexploded ordinance and other explosive devices that have been the subject of an emergency response.		
NA	NA	DEACT	DEACT
D003(9)	Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).		
NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
D003(9)	Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).		
NA	NA	(Note: This subcategory consists of nonwastewaters only.)	DEACT and meet Section 728.148 standards(8)
D003(9)	Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).		
Cyanides (Total)(7)	57-12-5	—	590
Cyanides (Amendable)(7)	57-12-5	0.86	30
D004(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.			
Arsenic	7440-38-2	1.4 and meet Section 728.148 standards(8)	5.0 mg/l TCLP and meet Section 728.148 standards(8)
D005(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Barium	7440-39-3	1.2 and meet Section 728.148 standards(8)	21 mg/l TCLP and meet Section 728.148 standards(8)
D006(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Cadmium	7440-43-9	.69 and meet Section 728.148 standards(8)	.11 mg/l TCLP and meet Section 728.148 standards(8)
D006(9)	Cadmium-Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.)		
Cadmium	7440-43-9	NA	RTHRM
D007(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Chromium (Total)	7440-47-3	2.77 and meet Section 728.148 standards(8)	0.60 mg/l TCLP and meet Section 728.148 standards(8)
D008(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Lead	7439-92-1	0.69 and meet Section 728.148 standards(8)	0.75 mg/l TCLP and meet Section 728.148 standards(8)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

standards(8)

D008(9)
Lead Acid Batteries Subcategory
(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA

RLEAD

D008(9)

Radioactive Lead Solids Subcategory
(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA

MACRO

D009(9)

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury 7439-97-6 NA

IMERC; or
RMERC

D009(9)

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury 7439-97-6 NA

RMERC

D009

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311, and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

Mercury 7439-97-6 NA

and meet Section

0.20 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

728.148
Standards (8)

D009(9)
All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)

Mercury 7439-97-6 NA

0.025 mg/l TCLP
and meet Section
728.148
standards(8)

D009(9)

All D009 wastewaters.

Mercury 7439-97-6 0.15 and

meet Section
728.148
standards(8)

NA

D009(9)

Elemental mercury contaminated with radioactive materials.
(Note: This subcategory consists of nonwastewaters only.)

Mercury 7439-97-6 NA

AMLCM

D009(9)

Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.
(Note: This subcategory consists of nonwastewaters only.)

Mercury 7439-97-6 NA

IMERC

D010(9)

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Selenium

7782-49-2 0.82

5.7 mg/l TCLP
and meet Section
728.148
standards(8)

D011(9)

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Silver

0.43

7440-22-4

0.14 mg/l
TCLP and meet
Section 728.148
standards(8)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D012(9) Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Endrin	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards(8)
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards(8)
D013(9) Wastes that are TC for Lindane based on the toxicity leaching procedure (TCLP) in SW-846 Method 1311. alpha-BHC	319-84-6	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)
beta-BHC	319-85-7	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)
delta-BHC	319-86-8	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)
gamma-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)
D014(9) Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Methoxychlor	72-43-5	CARBN; or WETOX or CMBST	0.18 and meet Section 728.148 standards(8)
D015(9) Wastes that are TC for Toxaphene based on the toxicity characteristic leaching			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

procedure (TCLP) in SW-846 Method 1311. Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet Section 728.148 standards(8)
D016(9) Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4-D (2,4-Dichloro- phenoxyacetic acid)	94-75-7	CHOXD; or BIODG; or CMBST	10 and meet Section 728.148 standards(8)
D017(9) Wastes that are TC for 2,4,5-TP (Silvex) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet Section 728.148 standards(8)
D018(9) Wastes that are TC for Benzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Benzene	71-43-2	0.14 and meet Section 728.148 standards(8)	10 and meet Section 728.148 standards(8)
D019(9) Wastes that are TC for Carbon tetrachloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Carbon tetrachloride	56-23-5	0.057 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D020(9) Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Chlordane (alpha and gamma isomers)	57-74-9	0.0033 and meet	0.26 and meet

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D021(9) Wastes that are TC for Chlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Chlorobenzene	Section 728.148 standards(8)	and meet Section 728.148 standards(8)
D022(9) Wastes that are TC for Chloroform based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Chloroform	0.057 Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D023(9) Wastes that are TC for o-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. o-Cresol	0.046 Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D024(9) Wastes that are TC for m-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. m-Cresol	0.11 Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D025(9) Wastes that are TC for p-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. p-Cresol	0.77 Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D026(9) Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Cresol-mixed isomers	0.88 Section 728.148 standards(8)	11.2 and meet Section 728.148 standards(8)
D027(9) Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. p-Dichlorobenzene	0.090 Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D028(9) Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 1,2-Dichloroethane	0.21 Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D029(9) Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 1,1-Dichloroethylene	0.025 Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D030(9) Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4-Dinitrotoluene	0.32 Section 728.148 standards(8)	140 and meet Section 728.148 standards(8)
D031(9) Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D026(9) Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Cresol-mixed isomers	0.88 Section 728.148 standards(8)	11.2 and meet Section 728.148 standards(8)
D027(9) Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. p-Dichlorobenzene	0.090 Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D028(9) Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 1,2-Dichloroethane	0.21 Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D029(9) Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 1,1-Dichloroethylene	0.025 Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D030(9) Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4-Dinitrotoluene	0.32 Section 728.148 standards(8)	140 and meet Section 728.148 standards(8)
D031(9) Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Heptachlor	76-44-8	0.0012 and meet Section 728.148 standards(8) 0.016 and meet Section 728.148 standards(8)	0.066 and meet Section 728.148 standards(8) 0.066 and meet Section 728.148 standards(8)
Heptachlor epoxide	1024-57-3		
D032(9)	Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Hexachlorobenzene 118-74-1	0.055 and meet Section 728.148 standards(8)	10 and meet Section 728.148 standards(8)
D033(9)	Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Hexachlorobutadiene 87-68-3	0.055 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D034(9)	Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Hexachloroethane 67-72-1	0.055 and meet Section 728.148 standards(8)	30 and meet Section 728.148 standards(8)
D035(9)	Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Methyl ethyl ketone 78-93-3	0.28 and meet Section 728.148 standards(8)	36 and meet Section 728.148 standards(8)
D036(9)	Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards(8)	14 and meet Section 728.148 standards(8)
D037(9)	Wastes that are TC for Pentachlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pentachlorophenol 87-86-5	0.089 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
D038(9)	Wastes that are TC for Pyridine based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pyridine 110-86-1	0.014 and meet Section 728.148 standards(8)	16 and meet Section 728.148 standards(8)
D039(9)	Wastes that are TC for Tetrachloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Tetrachloroethylene 127-18-4	0.056 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D040(9)	Wastes that are TC for Trichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Trichloroethylene 79-01-6	0.054 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D041(9)	Wastes that are TC for 2,4,5-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,5-Trichlorophenol 95-95-4	0.18 and meet Section	7.4 and meet Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D042(9)	Wastes that are TC for 2,4,6-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	728.148 standards(8)	728.148 standards(8)
	2,4,6-Trichlorophenol 88-06-2	0.035 and meet Section standards(8)	7.4 and meet Section standards(8)
D043(9)	Wastes that are TC for Vinyl chloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	728.148 standards(8)	728.148 standards(8)
	Vinyl chloride 75-01-4	0.27 and meet Section standards(8)	6.0 and meet Section standards(8)
F001, F002, F003, F004, & F005	F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2,2-trichloroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131	728.148 standards(8)	728.148 standards(8)
	Acetone 67-64-1	0.28	160
	Benzene 71-43-2	0.14	10
	n-Butyl alcohol 71-36-3	5.6	2.6
	Carbon disulfide 75-15-0	3.8	NA
	Carbon tetrachloride 56-23-5	0.057	6.0
	Chlorobenzene 108-90-7	0.057	6.0
	o-Cresol 95-48-7	0.11	5.6
	m-Cresol 108-39-4	0.77	5.6
	(difficult to distinguish from p-cresol)		
	p-Cresol 106-44-5	0.77	5.6
	(difficult to distinguish from m-cresol)		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
Cyclohexanone 108-94-1		0.36	NA
o-Dichlorobenzene 95-50-1		0.088	6.0
Ethyl acetate 141-78-6		0.34	33
Ethyl benzene 100-41-4		0.057	10
Ethyl ether 60-29-7		0.12	160
Isobutyl alcohol 78-83-1		5.6	170
Methanol 67-56-1		5.6	NA
Methylene chloride 75-9-2		0.089	30
Methyl ethyl ketone 78-93-3		0.28	36
Methyl isobutyl ketone 108-10-1		0.14	33
Nitrobenzene 98-95-3		0.068	14
Pyridine 110-86-1		0.014	16
Tetrachloroethylene 127-18-4		0.056	6.0
Toluene 108-88-3		0.080	10
1,1,1-Trichloroethane 71-55-6		0.054	6.0
1,1,2-Trichloroethane 79-00-5		0.054	6.0
1,1,2-Trichloro-1,2,2-trifluoroethane 76-13-1		0.057	30
Trichloroethylene 79-01-6		0.054	6.0
Trichloromonofluoromethane 75-69-4		0.020	30
Methane 1330-20-7		0.32	30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)			
F001, F002, F003, F004 & F005			
F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))			
Carbon disulfide 75-15-0		3.8	4.8 mg/l TCLP
Cyclohexanone 108-94-1		0.36	0.75 mg/l TCLP
Methanol 67-56-1		5.6	0.75 mg/l TCLP
F001, F002, F003, F004 & F005			
F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.			
2-Nitropropane 79-46-9		(WETOX or CHOXD) fb	CMBST
		CAREN; or	CMBST
F001, F002, F003, F004 & F005			
F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachloro- dibenzofurans)	0.000063	0.001
HxCDDs (All Hexachloro- dibenzofurans)	0.000063	0.001
PeCDDs (All Penta- chloro-dibenzo-p- dioxins)	0.000063	0.001
PeCDDs (All Pentachloro- dibenzofurans)	0.000035	0.001
Pentachlorophenol	0.089	7.4
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	0.000063	0.001
TCDDs (All Tetrachloro- dibenzofurans)	0.000063	0.001
2,4,5-Trichlorophenol	0.18	7.4
2,4,6-Trichlorophenol	0.035	7.4
2,3,4,6-Tetrachloro- phenol	0.030	7.4

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	CMBST(11)	CMBST(11)
2-Chloro-1,3-butadiene	0.057	0.28
3-Chloropropylene	0.036	30
1,1-Dichloroethane	0.059	6.0
1,2-Dichloroethane	0.021	6.0
1,2-Dichloropropane	0.036	18
cis-1,3-Dichloro- propylene	0.036	18
trans-1,3-Dichloro- propylene	0.036	18
Bis(2-Ethylhexyl)- phthalate	0.28	28
Hexachloroethane	0.055	30

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution.

F025--Light Ends Subcategory.		
Carbon tetrachloride	56-23-5	0.057
Chloroform	67-66-3	0.046
1,2-Dichloroethane	107-06-2	0.21
1,1-Dichloroethylene	75-35-4	0.025
Methylene chloride	75-99-2	0.089
1,1,2-Trichloroethane	79-00-5	0.054
Trichloroethylene	79-01-6	0.054
Vinyl chloride	75-01-4	0.27

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Methylene chloride	75-99-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophenols synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDDs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDDs (All Pentachloro- dibenzofurans)	NA	0.000035	0.001

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2,4,6-Tri-chlorophenol	0.035	7.4
Arsenic	1.4	5.0 mg/l TCLP
Chromium (Total)	2.77	0.60 mg/l TCLP
F034		
Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drillage, and spent formulations from wood preserving processes generated at plants that use cresote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use cresote or pentachlorophenol.		
Acenaphthene	0.059	3.4
Anthracene	120-12-7	0.059
Benzo(a)anthracene	56-55-3	0.059
Benzo(b)fluoranthene	205-99-2	0.11
(difficult to distinguish from benzo(k)-fluoranthene)		
Benzo(k)fluoranthene	207-08-9	0.11
(difficult to distinguish from benzo(b)-fluoranthene)		
Benzo(a)pyrene	50-32-8	0.061
Chrysene	218-01-9	0.059
Dibenz(a,h)anthracene	53-70-3	0.055
Fluorene	86-73-7	0.059
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055
Naphthalene	91-20-3	0.059
Phenanthrene	85-01-8	0.059
Pyrene	129-00-0	0.067
Arsenic	7440-38-2	1.4
Chromium (Total)	7440-47-3	2.77

F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drillage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use cresote or pentachlorophenol.	1.4	5.0 mg/l TCLP
Arsenic	7440-38-2	1.4
Chromium (Total)	7440-47-3	2.77
F037		
Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive aggressive biological treatment units) and K051 wastes are not included in this listing.		
Acenaphthene	83-32-9	0.059
Anthracene	120-12-7	0.059
Benzene	71-43-2	0.14
Benzo(a)anthracene	56-55-3	0.059
Benzo(a)pyrene	50-32-8	0.061
bis(2-Ethylhexyl) phthalate	117-81-7	0.28
Chrysene	218-01-9	0.059
Di-n-butyl phthalate	84-74-2	0.057
Ethylbenzene	100-41-4	0.057
Fluorene	86-73-7	0.059
Naphthalene	91-20-3	0.059
Phenanthrene	85-01-8	0.059
Phenol	108-95-2	0.039
Pyrene	129-00-0	0.067
Toluene	108-88-3	0.080
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32
Chromium (Total)	7440-47-3	2.77
Cyanides (Total)	75-12-5	1.2
Lead	7439-92-1	0.69
Nickel	7440-02-0	NA
F038		
Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive aggressive biological units) and F037, R048, and K031 are not included in this listing.

Benzene	71-43-2	0.14	10
Benzofluoranthene	50-32-8	0.061	3.4
Bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
DI-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	1.0
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	1.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylylene concentrations)	1330-20-7	0.32	30

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
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Cyanides (Total)	57-12-5	1.2	590
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Lead	7439-92-1	0.69	NA
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Nickel	7440-02-0	NA	11 mg/l TCLP
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F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Anthracene	120-12-7	0.059	3.4
Azarnite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	1.0
Benzofluoranthene	56-55-3	0.059	3.4
Benzofluoranthene (difficult to distinguish from benzo-(k)fluoranthene)	205-99-2	0.11	6.8
Benzofluoranthene (difficult to distinguish from benzo-(b)fluoranthene)	207-08-9	0.11	6.8
Benzofluoranthene (difficult to distinguish from benzo-(g,h,i)perylene)	191-24-2	0.0055	1.8
Benzofluoranthene (difficult to distinguish from benzo-(a)pyrene)	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.56
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3-Chloropropylene	107-05-1	0.036	30	
Chrysene	218-01-9	0.059	3.4	
o-Cresol	95-48-7	0.11	5.6	
m-Cresol	108-39-4	0.77	5.6	
(difficult to distinguish from p-cresol)				
p-Cresol	106-44-5	0.77	5.6	
(difficult to distinguish from m-cresol)				
Cyclohexanone	108-94-1	0.36	NA	
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15	
Ethylene dibromide (1,1,2,2-tetrabromoethane)		0.028	15	
Dibromomethane	74-95-3	0.11	15	
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10	
o,p'-DDD	53-19-0	0.023	0.087	
p,p'-DDD	72-54-8	0.023	0.087	
o,p'-DDE	3424-82-6	0.031	0.087	
p,p'-DDE	72-55-9	0.031	0.087	
o,p'-DDT	789-02-6	0.0039	0.087	
p,p'-DDT	50-29-3	0.0039	0.087	
Dibenz(a,h)anthracene	53-70-3	0.055	8.2	
Dibenz(a,e)pyrene	192-65-4	0.061	NA	
m-Dichlorobenzene	541-73-1	0.036	6.0	
o-Dichlorobenzene	95-50-1	0.088	6.0	
p-Dichlorobenzene	106-46-7	0.090	6.0	
Dichlorodifluoromethane	75-71-8	0.23	7.2	
1,1-Dichloroethane	75-34-3	0.059	6.0	
1,2-Dichloroethane	107-06-2	0.21	6.0	
1,1-Dichloroethylene	75-35-4	0.025	6.0	
trans-1,2-Dichloroethylene	156-60-5	0.054	30	
2,4-Dichlorophenol	120-83-2	0.044	14	
2,6-Dichlorophenol	87-65-0	0.044	14	
1,2-Dichloropropane	78-87-5	0.85	18	
cis-1,3-Dichloropropylene	10061-01-5	0.036	18	
trans-1,3-Dichloropropylene	10061-02-6	0.036	18	
Dieldrin	60-57-1	0.017	0.13	
Diethyl phthalate	84-66-2	0.20	28	
2,4-Dimethyl phenol	105-67-9	0.036	14	
Dimethyl phthalate	131-11-3	0.047	28	
Di-n-butyl phthalate	84-74-2	0.057	28	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1,4-Dinitrobenzene	100-25-4	0.32	2.3	
4,6-Dinitro-o-cresol	534-52-1	0.28	160	
2,4-Dinitrophenol	51-28-5	0.12	160	
2,6-Dinitrotoluene	121-14-2	0.32	140	
2,6-Dinitrotoluene	606-20-2	0.55	28	
Di-n-octyl phthalate	117-84-0	0.017	28	
Di-n-propylnitrosamine	621-64-7	0.40	14	
1,4-Dioxane	123-91-1	12.0	170	
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA	
Diphenylnitrosamine	86-30-6	0.92	NA	
(difficult to distinguish from diphenylamine)				
1,2-Diphenylhydrazine	122-66-7	0.087	NA	
Disulfoton	298-04-4	0.017	6.2	
Endosulfan I	939-98-8	0.023	0.066	
Endosulfan II	33213-6-5	0.029	0.13	
Endosulfan sulfate	1031-07-8	0.029	0.13	
Endrin	72-20-8	0.0028	0.13	
Endrin aldehyde	7421-93-4	0.025	0.13	
Ethyl acetate	141-78-6	0.34	33	
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360	
Ethyl benzene	100-41-4	0.057	10	
Ethyl ether	60-29-7	0.12	160	
bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28	
Ethyl methacrylate	97-63-2	0.14	160	
Ethylene oxide	75-21-8	0.12	NA	
Famphur	52-85-7	0.017	15	
Fluoranthene	206-44-0	0.068	3.4	
Fluorene	86-73-7	0.059	3.4	
Heptachlor	76-44-8	0.0012	0.066	
Heptachlor epoxide	1024-57-3	0.016	0.066	
Hexachlorobenzene	118-74-1	0.055	10	
Hexachlorobutadiene	87-68-3	0.055	5.6	
Hexachlorocyclopentadiene	77-47-4	0.057	2.4	
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001	
HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001	
Hexachloroethane	67-72-1	0.055	30	
Hexachloropropylene	1888-71-7	0.035	30	
Indeno (1,2,3-c,d)pyrene	193-39-5	0.0055	3.4	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS	4835	4836
74-88-4	0.19	65
Iodomethane	5.6	170
Isobutyl alcohol	0.021	0.066
Isodrin	0.081	2.6
Isosafrole	0.0011	0.13
Kepon	0.24	84
Methacrylonitrile	5.6	NA
Methanol	0.081	1.5
Methacrylonitrile	0.081	0.18
Methoxychlor	0.0055	15
3-Methylcholanthrene	0.50	30
4,4-Methylene bis(2-chloroaniline)	0.089	30
Methylene chloride	0.28	36
Methyl ethyl ketone	0.14	33
Methyl isobutyl ketone	0.14	160
Methyl methacrylate	0.018	NA
Methyl methanesulfonate	0.014	4.6
Methyl parathion	0.059	5.6
Naphthalene	0.52	NA
2-Naphthylamine	0.068	28
p-Nitroaniline	0.32	14
Nitrobenzene	0.028	28
5-Nitro-o-toluidine	0.12	29
p-Nitrophenol	0.40	28
N-Nitrosodimethylamine	0.40	NA
N-Nitrosodimethylamine	0.40	17
N-Nitroso-di-n-butyl-amine	0.40	2.3
N-Nitrosomethyl-ethyl-amine	0.40	2.3
N-Nitrosomorpholine	0.013	35
N-Nitrosopyrrolidine	0.013	35
Parathion	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	0.10	10
608-93-5	0.055	10
Pentachlorobenzene	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	0.000035	0.001
PeCDFs (All Penta-chlorodibenzofurans)	0.055	4.8
Pentachloronitrobenzene	0.089	7.4
Phenacetin	0.081	16
Phenanthrene	0.059	5.6
Phenol	0.039	6.2
Phorate	0.021	4.6
Phthalic anhydride	85-44-9	0.055
Propanamide	23950-58-5	0.093
Pyrene	129-00-0	0.067
Pyridine	110-86-1	0.014
Safrole	94-59-7	0.081
Silvex (2,4,5-TP)	93-72-1	0.72
2,4,5-T	94-76-5	0.72
benzene	95-94-3	0.055
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063
ethane	630-20-6	0.057
1,1,1,2-Tetrachloroethane	79-34-6	0.057
1,1,2,2-Tetrachloroethane	127-18-4	0.056
Tetrachloroethylene	58-90-2	0.030
phenol	108-88-3	0.080
Toluene	8001-35-2	0.0095
Toxaphene	75-25-2	0.63
Bromoform (Tribromomethane)	120-82-1	0.055
1,2,4-Trichlorobenzene	71-55-6	0.054
1,1,1-Trichloroethane	79-00-5	0.054
1,1,2-Trichloroethane	79-01-6	0.054
Trichloroethylene	75-69-4	0.020
Trichloromono-fluoro-methane	95-95-4	0.18
2,4,5-Trichlorophenol	88-06-2	0.035
2,4,6-Trichlorophenol	96-18-4	0.85
1,2,3-Trichloropropane	76-13-1	0.057
1,1,2-Trichloro-1,2,2-trifluoroethane	126-72-7	0.11
tris(2,3-Dibromopropyl)phosphate	75-01-4	0.27
Vinyl chloride	1330-20-7	0.32
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	7440-36-0	1.9
Antimony	7440-38-2	1.4
Arsenic	7440-39-3	1.2
Barium	7440-41-7	0.82
Beryllium	7440-43-9	0.69
Cadmium	7440-47-3	2.77
Chromium (Total)	57-12-5	1.2
Cyanides (Total)(7)	1.15 mg/l TCLP	5.0 mg/l TCLP
	21 mg/l TCLP	21 mg/l TCLP
	0.11 mg/l TCLP	0.61 mg/l TCLP
	0.11 mg/l TCLP	590

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Cyanides (Amenable)(7)	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	8486-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA
K001			
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.			
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K002			
Wastewater treatment sludge from the production of chrome yellow and orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K003			
Wastewater treatment sludge from the production of molybdate orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.757 mg/l TCLP
K004			
Wastewater treatment sludge from the production of zinc yellow pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K005			
Wastewater treatment sludge from the production of chrome green pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.757 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
K006			
Bottoms from the acetonitrile purification column in the production of			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K006			
Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
K007			
Wastewater treatment sludge from the production of iron blue pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
K008			
Oven residue from the production of chrome oxide green pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K009			
Distillation bottoms from the production of acetaldehyde from ethylene.			
Chloroform	67-66-3	0.046	6.0
K010			
Distillation side cuts from the production of acetaldehyde from ethylene.			
Chloroform	67-66-3	0.046	6.0
K011			
Bottom stream from the wastewater stripper in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
K013			
Bottom stream from the acetonitrile column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
K014			
Bottoms from the acetonitrile purification column in the production of			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

acrylonitrile.					
Acetonitrile	75-05-8	5.6	38		
Acrylonitrile	107-13-1	0.24	84		
Acrylamide	79-06-1	1.9	23		
Benzene	71-43-2	0.14	10		
Cyanide (Total)	57-12-5	1.2	590		
K015					
Still bottoms from the distillation of benzyl chloride.					
Anthracene	120-12-7	0.059	3.4		
Benzal chloride	98-87-3	0.055	6.0		
Benzobis(b)fluoranthene	205-99-2	0.11	6.8		
(difficult to distinguish from benzo-(k)fluoranthene)					
Benzo(k)fluoranthene	207-08-9	0.11	6.8		
(difficult to distinguish from benzo-(b)fluoranthene)					
Phenanthrene	85-01-8	0.059	5.6		
Toluene	108-88-3	0.080	10		
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCIP		
Nickel	7440-02-0	3.98	11 mg/1 TCIP		

K016 Heavy ends or distillation residues from the production of carbon tetrachloride.

Hexachlorobenzene	118-74-1	0.055	10		
Hexachlorobutadiene	87-68-3	0.055	5.6		
Hexachlorocyclopentadiene	77-47-4	0.057	2.4		
Hexachloroethane	67-72-1	0.055	30		
Tetrachloroethylene	127-18-4	0.056	6.0		

K017 Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0		
1,2-Dichloropropane	78-87-5	0.85	18		
1,2,3-Trichloropropane	96-18-4	0.85	30		

K018 Heavy ends from the fractionation column in ethyl chloride production.

Chloroethane	75-00-3	0.27	6.0		
Chloromethane	74-87-3	0.19	NA		
1,1-Dichloroethane	75-34-3	0.059	6.0		
1,2-Dichloroethane	107-06-2	0.21	6.0		
Hexachlorobenzene	118-74-1	0.055	10		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Hexachlorobutadiene	87-68-3	0.055	5.6		
Hexachloroethane	67-72-1	0.055	30		
Pentachloroethane	76-01-7	NA	6.0		
1,1,1-Trichloroethane	71-55-6	0.054	6.0		

K019 Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl) ether	111-44-4	0.033	6.0		
Chlorobenzene	108-90-7	0.057	6.0		
Chloroform	67-66-3	0.046	6.0		
p-Dichlorobenzene	106-46-7	0.090	NA		
1,2-Dichloroethane	107-06-2	0.21	6.0		
Fluorene	86-73-7	0.059	NA		
Hexachloroethane	67-72-1	0.055	30		
Naphthalene	91-20-3	0.059	5.6		
Phenanthrene	85-01-8	0.059	5.6		
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA		
Tetrachloroethylene	127-18-4	0.056	6.0		
1,2,4-Trichlorobenzene	120-82-1	0.055	19		
1,1,1-Trichloroethane	71-55-6	0.054	6.0		

K020 Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0		
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0		
Tetrachloroethylene	127-18-4	0.056	6.0		

K021 Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0		
Chloroform	67-66-3	0.046	6.0		
Antimony	7440-36-0	1.9	1.15 mg/1 TCIP		

K022 Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10		
Acetophenone	96-86-2	0.010	9.7		
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13		
Diphenylnitrosamine	86-30-6	0.92	13		
(difficult to distinguish from					

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

diphenylamine)					
Phenol	108-95-2	0.039	6.2		
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCCLP		
Nickel	7440-02-0	3.98	11 mg/1 TCCLP		
R023					
Distillation light ends from the production of phthalic anhydride from naphthalene.					
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28		
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28		
R024					
Distillation bottoms from the production of phthalic anhydride from naphthalene.					
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28		
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28		
R025					
Distillation bottoms from the production of nitrobenzene by the nitration of benzene.					
NA	NA	LLXST fb SSTRP	CMBST		
NA	NA	fb CARB; or CMBST			
R026					
Stripping still tails from the production of methyl ethyl pyridines.					
NA	NA	CMBST			
R027					
Centrifuge and distillation residues from the toluene diisocyanate production.					
NA	NA	CARB; or CMBST			
R028					
Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.					

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1,1-Dichloroethane trans-1,2-Dichloroethylene	75-34-3 156-60-5	0.059 0.054	6.0 30		
Hexachlorobutadiene	87-68-3	0.055	5.6		
Hexachloroethane	67-72-1	0.055	30		
Pentachloroethane	76-01-7	NA	6.0		
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0		
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0		
Tetrachloroethylene	127-18-4	0.056	6.0		
1,1,1-Trichloroethane	71-55-6	0.054	6.0		
1,1,2-Trichloroethane	79-00-5	0.054	6.0		
Cadmium	7440-43-9	0.69	NA		
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCCLP		
Lead	7439-92-1	0.69	0.75 mg/1 TCCLP		
Nickel	7440-02-0	3.98	11 mg/1 TCCLP		
R029					
Waste from the product steam stripper in the production of 1,1,1-trichloroethane.					
Chloroform	67-66-3	0.046	6.0		
1,2-Dichloroethane	107-06-2	0.21	6.0		
1,1-Dichloroethylene	75-35-4	0.025	6.0		
1,1,1-Trichloroethane	71-55-6	0.054	6.0		
Vinyl chloride	75-01-4	0.27	6.0		
R030					
Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.					
o-Dichlorobenzene	95-50-1	0.088	NA		
p-Dichlorobenzene	106-46-7	0.090	NA		
Hexachlorobutadiene	87-68-3	0.055	5.6		
Hexachloroethane	67-72-1	0.055	30		
Hexachloropropylene	1888-71-7	NA	30		
Pentachlorobenzene	608-93-5	NA	10		
Pentachloroethane	76-01-7	NA	6.0		
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14		
Tetrachloroethylene	127-18-4	0.056	6.0		
1,2,4-Trichlorobenzene	120-82-1	0.055	19		
R031					
By-product salts generated in the production of MSMA and cacodylic acid.					
Arsenic	7440-38-2	1.4	5.0 mg/1 TCCLP		
R032					
Wastewater treatment sludge from the production of chlordane.					

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

R037	Wastewater treatment sludges from the production of disulfoton.	2.4	0.057	2.4
Disulfoton	298-04-4	0.017		6.2
Toluene	108-88-3	0.080		10
R038	Wastewater from the washing and stripping of phosphate production.	2.4	0.057	2.4
Phosphate	298-02-2	0.021		4.6
R039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.	2.4	0.057	2.4
NA	NA	NA	CARBEN or CMBST	CMBST
R040	Wastewater treatment sludge from the production of phosphate.	2.4	0.057	2.4
Phosphate	298-02-2	0.021		4.6
R041	Wastewater treatment sludge from the production of toxaphene.	2.4	0.057	2.4
Toxaphene	8001-35-2	0.0095		2.6
R042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	2.4	0.057	2.4
o-Dichlorobenzene	95-50-1	0.088		6.0
p-Dichlorobenzene	106-46-7	0.090		6.0
Pentachlorobenzene	608-93-5	0.055		10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055		14
1,2,4-Trichlorobenzene	120-82-1	0.055		19
R043	2,6-Dichlorophenol waste from the production of 2,4-D.	2.4	0.057	2.4
2,4-Dichlorophenol	120-83-2	0.044		14
2,6-Dichlorophenol	187-65-0	0.044		14
2,4,5-Trichlorophenol	95-95-4	0.18		7.4
2,4,6-Trichlorophenol	88-06-2	0.035		7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030		7.4
Pentachlorophenol	87-86-5	0.089		7.4
Tetrachloroethylene	127-18-4	0.056		6.0
HxCDDs (All Hexachlorodibenzop-dioxins)	NA	0.000063		0.001
HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063		0.001
PeCDDs (All Pentachlorodibenzofurans)	NA	0.000063		0.001

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chloroene (alpha and gamma isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chloroene.		
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chloroene.		
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K035	Wastewater treatment sludges generated in the production of creosote.		
Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
p-Cresol	106-44-5	0.77	5.6
Fluoranthene	53-70-3	NA	8.2
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.		
Disulfoton	298-04-4	0.017	6.2

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K049	Slip oil emulsion solids from the petroleum refining industry.		
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/1 TCLP
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.		
Benz(a)anthracene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/1 TCLP
K051	API separator sludge from the petroleum refining industry.		
Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	11
Nickel	7440-02-0	NA	11 mg/l TCLP
K052			
Tank bottoms (lead) from the petroleum refining industry.			
Benzene	71-43-2	0.14	10
Benzo (a)pyrene	50-32-8	0.061	3.4
O-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p- cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m- cresol)	106-44-5	0.77	5.6
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.039	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP
K060			
Ammonia still lime sludge from coking operations.			
Benzene	71-43-2	0.14	10
Benzo(a) pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
K061			
Emission control dust or sludge from the primary production of steel in			

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

electric furnaces.			
Antimony	7440-36-0	NA	1.15 mg/l TCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCLP
Barium	7440-39-3	NA	21 mg/l TCLP
Beryllium	7440-41-7	NA	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	NA	11 mg/l TCLP
Nickel	7782-49-2	3.98	5.7 mg/l TCLP
Selenium	7782-49-2	NA	0.14 mg/l TCLP
Silver	7740-22-4	NA	0.20 mg/l TCLP
Thallium	7440-28-0	NA	4.3 mg/l TCLP
Zinc	7440-66-6	NA	
K062			
Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).			
Chromium (Total)	7740-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	NA
K069			
Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory			
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K069			
Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory			
NA	NA	NA	RLEAD
K071			
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.			
Mercury	7439-97-6	NA	0.20 mg/l TCLP
K071			
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is to used) nonwastewaters that are not residues from RMERC.			
Mercury	7439-97-6	NA	0.025 mg/l TCLP
K071			
All K071 wastewaters.			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Mercury 7439-97-6 0.015 NA

K073

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride 56-23-5 0.057 6.0
 Chloroform 67-66-3 0.046 6.0
 Hexachloroethane 67-72-1 0.055 30
 Tetrachloroethylene 127-18-4 0.056 6.0
 1,1,1-Trichloroethane 71-55-6 0.054 6.0

K083

Distillation bottoms from aniline production.

Aniline 62-53-3 0.81 14
 Benzene 71-43-2 0.14 10
 Cyclohexanone 108-94-1 0.36 NA
 Diphenylamine 122-39-4 0.92 13

(difficult to distinguish from diphenylnitrosamine)

Diphenylnitrosamine 86-30-6 0.92 13

(difficult to distinguish from diphenylamine)

Nitrobenzene 98-95-3 0.068 14

Phenol 108-95-2 0.039 6.2

Nickel 7440-02-0 3.98 11 mg/l TCLP

K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene 71-43-2 0.14 10
 Chlorobenzene 108-90-7 0.057 6.0
 m-Dichlorobenzene 541-73-1 0.036 6.0
 o-Dichlorobenzene 95-50-1 0.088 6.0
 p-Dichlorobenzene 106-46-7 0.090 6.0
 Hexachlorobenzene 118-74-1 0.055 10
 Total PCBs 1336-36-3 0.10 10
 (sum of all PCB isomers, or all Aroclors)

Pentachlorobenzene 608-93-5 0.055 10

1,2,4,5-Tetrachlorobenzene 95-94-3 0.055 14

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1,2,4-Trichlorobenzene 120-82-1 0.055 19

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetophenone 67-64-1 0.28 160
 Acetophenone 96-86-2 0.010 9.7
 bis(2-Ethylhexyl) phthalate 117-81-7 0.28 28

n-Butyl alcohol 71-36-3 5.6 2.6

Butylbenzyl phthalate 85-68-7 0.017 28

Cyclohexanone 108-94-1 0.36 NA

o-Dichlorobenzene 95-50-1 0.088 6.0

Diethyl phthalate 84-66-2 0.20 28

Dimethyl phthalate 131-11-3 0.047 28

Di-n-butyl phthalate 84-74-2 0.057 28

Di-n-octyl phthalate 117-84-0 0.017 28

Ethyl acetate 141-78-6 0.34 33

Ethylbenzene 100-41-4 0.057 10

Methanol 67-56-1 5.6 NA

Methyl ethyl ketone 78-93-3 0.28 36

Methyl isobutyl ketone 108-10-1 0.14 33

Methylene chloride 75-09-2 0.089 30

Naphthalene 91-20-3 0.059 5.6

Nitrobenzene 98-95-3 0.068 14

Toluene 108-88-3 0.080 10

1,1,1-Trichloroethane 79-01-6 0.054 6.0

Trichloroethylene 1330-20-7 0.054 6.0

Xylenes-mixed isomers 1330-20-7 0.32 30

(sum of o-, m-, and p-xylene concentrations)

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP

Cyanides (Total)(7) 57-12-5 1.2 590

Lead 7439-92-1 0.69 0.75 mg/l TCLP

K087

Decanter tank tar sludge from coking operations.

Acenaphthylene 208-96-8 0.059 3.4

Benzene 71-43-2 0.14 10

Chrysene 218-01-9 0.059 3.4

Fluoranthene 206-44-0 0.068 3.4

Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

Naphthalene 91-20-3 0.059 5.6

Phenanthrene 85-01-8 0.059 5.6

Toluene 108-88-3 0.080 10

Xylenes-mixed isomers 1330-20-7 0.32 30

(sum of o-, m-, and p-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

xylene concentrations)

Lead 7439-92-1 0.069

R088

Spent potliners from primary aluminum reduction.

Acenaphthene 83-32-9 0.059

Anthracene 120-12-7 0.059

Benz(a)anthracene 56-55-3 0.059

Benzol(a)pyrene 50-32-8 0.061

Benzol(b)fluoranthene 205-99-2 0.11

Benzol(k)fluoranthene 207-08-9 0.11

Benzol(g,h,i)perylene 191-24-2 0.0055

Chrysene 218-01-9 0.059

Dibenz(a,h)anthracene 53-70-3 0.055

Fluoranthene 206-44-0 0.068

Indeno(1,2,3-c,d)pyrene 193-39-5 0.0055

Phenanthrene 85-01-8 0.059

Pyrene 129-00-0 0.067

Antimony 7440-36-0 1.9

Arsenic 7440-38-2 1.4

Barium 7440-39-3 1.2

Beryllium 7440-41-7 0.82

Cadmium 7440-43-9 0.69

Chromium (Total) 7440-47-3 2.77

Lead 7439-92-1 0.69

Mercury 7439-97-6 0.15

Nickel 7440-02-0 3.98

Selenium 7782-49-2 0.82

Silver 7440-22-4 0.43

Cyanide (Total)(7) 57-12-5 1.2

Cyanide (Amenable)(7) 57-12-5 0.86

Fluoride 46904-40-0 35

P033

Distillation light ends from the production of phthalic anhydride from

ortho-xylene.

Phthalic anhydride

(measured as Phthalic

acid or Terephthalic

acid)

Phthalic anhydride

(measured as Phthalic

acid or Terephthalic

acid)

P034

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Distillation bottoms from the production of phthalic anhydride from

ortho-xylene.

Phthalic anhydride

(measured as Phthalic

acid or Terephthalic

acid)

Phthalic anhydride

(measured as Phthalic

acid or Terephthalic

acid)

K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane

1,1,1,2-Tetrachloro-

ethane

1,1,2,2-Tetrachloro-

ethane

Tetrachloroethylene

1,1,2-Trichloroethane

Trichloroethylene

K096

Heavy ends from the heavy ends column from the production of

1,1,1-trichloroethane.

m-Dichlorobenzene

Pentachloroethane

1,1,1,2-Tetrachloro-

ethane

1,1,2,2-Tetrachloro-

ethane

Tetrachloroethylene

1,2,4-Trichlorobenzene

1,1,2-Trichloroethane

Trichloroethylene

K097

Vacuum stripper discharge from the chloroethane chlorinator in the production of

chloroethane.

Chloroethane alpha and

gamma isomers)

Heptachlor epoxide

Hexachlorocyclopenta-

diene

K098

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Untreated process wastewater from the production of toxaphene. 2.6
Toxaphene 8001-35-2 0.0095

K099 Untreated wastewater from the production of 2,4-D. 10
2,4-Dichlorophenoxy- 94-75-7 0.72

acetic acid 0.000063
HCDDs (All Hexachloro- NA 0.000063
dibenzo-p-dioxins)
HxCDFs (All Hexachloro- NA 0.000063
dibenzofurans)
PeCDDs (All Pentachloro- NA 0.000063
dibenzo-p-dioxins)
PeCDFs (All Pentachloro- NA 0.000035
dibenzofurans)
TCDDs (All Tetrachloro- NA 0.000063
dibenzo-p-dioxins)
TCDFs (All Tetrachloro- NA 0.000063
dibenzofurans)

K100 Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.
Cadmium 7440-43-9 0.69
Chromium (Total) 7440-47-3 2.77
Lead 7439-92-1 0.69

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
o-Nitroaniline 88-74-4 0.27
Arsenic 7440-38-2 1.4
Cadmium 7440-43-9 0.69
Lead 7439-92-1 0.69
Mercury 7439-97-6 0.15

K102 Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
o-Nitrophenol 88-75-5 0.028
Arsenic 7440-38-2 1.4
Cadmium 7440-43-9 0.69
Lead 7439-92-1 0.69
Mercury 7439-97-6 0.15

K103 Process residues from aniline extraction from the production of aniline.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Aniline 62-53-3 0.81
Benzene 71-43-2 0.14
2,4-Dinitrophenol 51-28-5 0.12
Nitrobenzene 98-95-3 0.068
Phenol 108-95-2 0.039

K104 Combined wastewater streams generated from nitrobenzene or aniline production.
Aniline 62-53-3 0.81
Benzene 71-43-2 0.14
2,4-Dinitrophenol 51-28-5 0.12
Nitrobenzene 98-95-3 0.068
Phenol 108-95-2 0.039
Cyanides (Total)(7) 57-12-5 1.2

K105 Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.
Benzene 71-43-2 0.14
Chlorobenzene 108-90-7 0.057
2-Chlorophenol 95-57-8 0.044
o-Dichlorobenzene 95-50-1 0.088
p-Dichlorobenzene 106-46-7 0.090
Phenol 108-95-2 0.039
2,4,5-Trichlorophenol 95-95-4 0.18
2,4,6-Trichlorophenol 88-06-2 0.035

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury. NA RMERC
7439-97-6

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC. NA
7439-97-6

K106 Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC. NA
Mercury 7439-97-6 0.025 mg/l TCLP

K106 All K106 wastewaters. NA
Mercury 7439-97-6 0.15

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K107 Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA
CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K108 Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA
CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K109 Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA
CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K110 Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA
CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K111 Product washwaters from the production of dinitrotoluene via nitration of toluene.
121-1-1 0.32 140
2,4-Dinitrotoluene 0.55 28
2,6-Dinitrotoluene

K112 Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA
CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K113

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA
CARN; or
CMBST

K114 Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA
CARN; or
CMBST

K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
Nickel 3.98 11 mg/l TCLP
7440-02-0
NA
CARN; or
CMBST

K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.
NA
CARN; or
CMBST

K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo- 74-83-9 0.11 15
methane)
Chloroform 67-66-3 0.046 6.0
Ethylene- 106-93-4 0.028 15
dibromide (1,2-Dibromoethane)

K118 Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo- 74-83-9 0.11 15
methane)
Chloroform 67-66-3 0.046 6.0
Ethylene dibromide 106-93-4 0.028 15
(1,2-Dibromoethane)

K123 Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebis(2-thiocarbamic acid and its salts).
NA
CMBST;
or CHOXD fb

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).			
	Benzene	71-43-2	0.14	10
	Benzo(a)anthracene	56-55-3	0.059	3.4
	Benzo(a)pyrene	50-2-8	0.061	3.4
	Benzo(b)fluoranthene	205-99-2	0.11	6.8
K142	(difficult to distinguish from benzo-(k)fluoranthene)			
	Benzo(k)fluoranthene	207-08-9	0.11	6.8
	(difficult to distinguish from benzo-(b)fluoranthene)			
	Chrysene	218-01-9	0.059	3.4
	Diben (a,h)anthracene	53-70-3	0.055	8.2
K143	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.			
	Benzene	71-43-2	0.14	10
	Benzo(a)anthracene	56-55-3	0.059	3.4
	Benzo(a)pyrene	50-32-8	0.061	3.4
K144	Benzo(b)fluoranthene	205-99-2	0.11	6.8
	(difficult to distinguish from benzo-(k)fluoranthene)			
	Benzo(k)fluoranthene	207-08-9	0.11	6.8
	(difficult to distinguish from benzo-(b)fluoranthene)			
	Chrysene	218-01-9	0.059	3.4
K145	Dibenzo(a,h)anthracene	53-70-3	0.055	8.2
	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.			
	Benzene	71-43-2	0.14	10
	Benzo(a)anthracene	56-55-3	0.059	3.4
K146	Benzo(a)pyrene	50-32-8	0.061	3.4
	Benzo(b)fluoranthene	205-99-2	0.11	6.8
	(difficult to distinguish from benzo-(k)fluoranthene)			
	Benzo(k)fluoranthene	207-08-9	0.11	6.8
	(difficult to distinguish from benzo-(b)fluoranthene)			

K124	Reactor vent scrubber water from the production of ethylenedithiocarbamic acid and its salts.			
	NA	NA	CMBST	
	(B10DG or CAREN)			
	CMBST:			
	or CHOXD fb			
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenedithiocarbamic acid and its salts.			
	NA	NA	CMBST	
	(B10DG or CAREN)			
	CMBST:			
	or CHOXD fb			
K126	Baghouse dust and floor sweeping in milling and packaging operations from the production or formulation of ethylenedithiocarbamic acid and its salts.			
	NA	NA	CMBST	
	(B10DG or CAREN)			
	CMBST:			
	or CHOXD fb			
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.			
	Methyl bromide (Bromo-methane)	74-83-9	0.11	15
	Spent absorbent and wastewater separator solids from the production of methyl bromide.			
	Methyl bromide (Bromo-methane)	74-83-9	0.11	15
	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.			
K136	Methyl bromide (Bromo-methane)	74-83-9	0.11	15
	Chloroform	67-66-3	0.046	6.0
	Ethylene dibromide	106-93-4	0.028	15
	(1,2-Dibromoethane)			
	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.			
K147	Benzene	71-43-2	0.14	10
	Benzo(a)anthracene	56-55-3	0.059	3.4
	Benzo(a)pyrene	50-32-8	0.061	3.4
	Benzo(b)fluoranthene	205-99-2	0.11	6.8
	(difficult to distinguish from benzo-(k)fluoranthene)			

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

(k)fluoranthene) 207-08-9 0.11 6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene) 218-01-9 0.059 3.4
Chrysene

K144
Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contaminating sump sludges from the recovery of coke by-products produced from coal.

Benzo(a)anthracene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8

(difficult to distinguish from benzo-(k)fluoranthene) 207-08-9 0.11 6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2

K145
Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzo(a)anthracene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Naphthalene 91-20-3 0.059 5.6

K147
Tar storage tank residues from coal tar refining.

Benzo(a)anthracene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8

(difficult to distinguish from benzo-(k)fluoranthene) 207-08-9 0.11 6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K148
Residues from coal tar distillation, including, but not limited to, still bottoms.

Benzo(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to distinguish from benzo-(k)fluoranthene) 207-08-9 0.11 6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K149
Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene 108-90-7 0.057 6.0
Chloroform 67-66-3 0.046 6.0
Chloromethane 74-87-3 0.19 30
p-Dichlorobenzene 106-46-7 0.090 6.0
Hexachlorobenzene 118-74-1 0.055 10
Pentachlorobenzene 608-93-5 0.055 10
1,2,4,5-Tetrachloro-95-94-3 0.055 14
Toluene 108-88-3 0.080 10

K150
Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride 56-23-5 0.057 6.0
Chloroform 67-66-3 0.046 6.0
Chloromethane 74-87-3 0.19 30
p-Dichlorobenzene 106-46-7 0.090 6.0
Hexachlorobenzene 118-74-1 0.055 10
Pentachlorobenzene 608-93-5 0.055 10
1,2,4,5-Tetrachloro-95-94-3 0.055 14

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

benzene	79-34-5	0.057	6.0
1,1,2,2-Tetrachloro-ethane	127-18-4	0.056	6.0
Tetrachloroethylene	120-82-1	0.055	19
1,2,4-Trichlorobenzene			
K151			
Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.			
Benzone	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
K156			
Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (this listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butyrcarbamate;f10)			
Acetonitrile	75-05-8	5.6	1,839
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl	17804-35-2	0.056	1.4
Benzone	71-43-2	0.14	10
Carbazyl	63-45-21	0.006	0.14
Carbenzadim	1605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
O-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	10
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (this listing does not apply to--wastes--generated--from--the--manufacture--of 3-iodo-2-propyl-n-butyrcarbamate;f10)			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl	16752-77-5	0.028	10
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
O-Phenylenediamine	95-54-5	8-856	5-6
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5
K158			
Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (this listing does not apply to--wastes--generated--from--the--manufacture--of 3-iodo-2-propyl-n-butyrcarbamate;f10)			
Benomyl	17804-35-2	0.056	1.4
Benzone	71-43-2	0.14	10
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2
K159			
Organics from the treatment of thiocarbamate wastes.f10)			
Benzone	71-43-2	0.14	10
Butylate	2008-41-5	0.0038-842	1.5-4
EPTC (Eptam)	759-94-4	0.0038-842	1.4
Molinate	2212-67-1	0.0038-842	1.4
Pebutate	1114-71-2	0.0038-842	1.4
Vernolate	1929-77-7	0.0038-842	1.4
K161			
Purification solids (including filtration, evaporation, and centrifugation of solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.f10)			
Antimony	7440-36-0	1.9	1.15(111) mg/i-wetp
Arsonic	7440-38-2	1.4	5.0(111) mg/i-wetp
Carbon disulfide	75-15-0	3.8	4.8(111) mg/i-wetp
Dithiocarbamates (total)	137-30-4NA	0.028	28
Lead	7439-92-1	0.69	0.75(111) mg/i-wetp
Nickel	7440-02-0	3.98	11(111) mg/i-wetp
Selenium	7782-49-2	0.82	5.7(111) mg/i-wetp

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K169

Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30

K170

Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Ideno(1,2,3,-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30

K171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/L TCLP
Nickel	7440-02-0	3.98	11.0 mg/L TCLP
Vanadium	7440-62-2	4.3	1.6 mg/L TCLP
Reactive sulfides	NA	DEACT	DEACT

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K172

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benzene	71-43-2	0.14	10
Ethyl benzene	100-41-4	0.057	10
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30
Antimony	7740-36-0	1.9	1.15 mg/L TCLP
Arsenic	7740-38-2	1.4	5 mg/L TCLP
Nickel	7440-02-0	3.98	11.0 mg/L TCLP
Vanadium	7440-62-2	4.3	1.6 mg/L TCLP
Reactive Sulfides	NA	DEACT	DEACT

P001

Warfarin, and salts, when present at concentrations greater than 0.3 percent

Warfarin	81-81-2	(WETOX or CHOXD) fb	CMBST
		CARBN; or	
		CMBST	

P002

1-Acetyl-2-thiourea
1-Acetyl-2-thiourea

	591-08-2	(WETOX or CHOXD) fb	CMBST
		CARBN; or	
		CMBST	

P003

Acrolein
Acrolein

	107-02-8	0.29	CMBST
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P004

Aldrin
Aldrin

	309-00-2	0.021	0.066
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P005

Allyl alcohol
Allyl alcohol

	107-18-6	(WETOX or CHOXD) fb	CMBST
		CARBN; or	
		CMBST	

P006

Aluminum phosphide
Aluminum phosphide

	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P024 p-Chloroaniline p-Chloroaniline	106-47-8	0.46	16	
P026 1-(O-Chlorophenyl)thiourea 1-(O-Chlorophenyl)thio- urea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P027 3-Chloropropionitrile 3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P028 Benzyl chloride Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P029 Copper cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	
P030 Cyanides (soluble salts and complexes) Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	
P031 Cyanogen Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST	
P033 Cyanogen chloride Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST	
P034 2-Cyclohexyl-4,6-dinitrophenol 2-Cyclohexyl-4,6-	131-89-5	(WETOX or	CMBST	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

dinitrophenol		CHOXD) fb CARBN; or CMBST		
P036 Dichlorophenylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
P037 Dieldrin Dieldrin	60-57-1	0.017	0.13	
P038 Diethylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
P039 Disulfoton Disulfoton	298-04-4	0.017	6.2	
P040 O,O-Diethyl-O-pyrazinyl-phosphorothioate O,O-Diethyl-O-pyrazinyl- phosphorothioate	297-97-2	CARBEN; or CMBST	CMBST	
P041 Diethyl-p-nitrophenyl phosphate Diethyl-p-nitrophenyl phosphate	311-45-5	CARBEN; or CMBST	CMBST	
P042 Epinephrine Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P043 Diisopropylfluorophosphate (DPP) Diisopropylfluoro- phosphate (DPP)	55-91-4	CARBEN; or CMBST	CMBST	
P044 Dimethoate Dimethoate	60-51-5	CARBEN; or CMBST	CMBST	
P045				

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Thiofanox	39196-18-4	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
P046 alpha,alpha-Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
P047 4,6-Dinitro-O-cresol	543-52-1	0.28	160
P047 4,6-Dinitro-O-cresol salts NA	NA	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
P048 2,4-Dinitrophenol	51-28-5	0.12	160
P049 Dithiobiureet Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
P050 Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	939-98-8 32213-6-5 1031-07-8	0.023 0.029 0.029	0.066 0.13 0.13
P051 Endrin Endrin aldehyde	72-20-8 7421-93-4	0.0028 0.025	0.13 0.13
P054 Aziridine			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Aziridine	151-56-4	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
P056 Fluorine Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR
P057 Fluoroacetamide Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
P058 Fluoroacetic acid, sodium salt Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
P059 Heptachlor Heptachlor Heptachlor epoxide	76-44-8 1024-57-3	0.0012 0.016	0.066 0.066
P060 Isodrin Isodrin	465-73-6	0.021	0.066
P062 Hexaethyl tetraphosphate Hexaethyl tetraphosphate	757-58-4	CAREN; or CMBST	CMBST
P063 Hydrogen cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P064 Isocyanic acid, ethyl ester Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CAREN; or	CMBST

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

CMBST

P065 (mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.
Mercury 7439-97-6 NA

P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.
Mercury 7439-97-6 RMERC

P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury. NA
Mercury 7439-97-6 0.20 mg/l TCLP

P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury. NA
Mercury 7439-97-6 0.025 mg/l TCLP

P065 All P065 (mercury fulminate) wastewaters.
Mercury 7439-97-6 NA

P066 Methomyl 16752-77-5 (WETOX or CHOXD) fb CAREN; or CMBST

P067 2-Methyl-aziridine 75-55-8 (WETOX or CHOXD) fb CAREN; or CMBST

P068 Methyl hydrazine 60-34-4 CHOXD; CHRED; CAREN; BIODG; or CMBST

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P069

2-Methyl-lactonitrile 75-86-5 (WETOX or CHOXD) fb CAREN; or CMBST

P070

Aldicarb 116-06-3 (WETOX or CHOXD) fb CAREN; or CMBST

P071

Methyl parathion 298-00-0 0.014 4.6

P072

1-Naphthyl-2-thiourea 86-88-4 (WETOX or CHOXD) fb CAREN; or CMBST

P073

Nickel carbonyl 7440-02-0 3.98 11 mg/l TCLP

P074

Nickel cyanide 57-12-5 1.2
Cyanides (Total)(7) 57-12-5 0.86
Nickel 7440-02-0 3.98

P075

Nicotine and salts 54-11-5 (WETOX or CHOXD) fb CAREN; or CMBST

P076

Nitric oxide 10102-43-9 ADGAS

P077

P-Nitroaniline ADGAS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

p-Nitroaniline	100-01-6	0.028	28	
P078 Nitrogen dioxide	10102-44-0	ADGAS	ADGAS	
P081 Nitroglycerin	55-63-0	CHOXD; CHRED; CAREN; BIODG or CMBST	CHOXD; CHRED; or CMBST	
P082 N-Nitrosodimethylamine	62-75-9	0.40	2.3	
P084 N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
P085 Octamethylpyrophosphoramide	152-16-9	CAREN; or CMBST	CMBST	
P087 Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM	
P088 Endothall	145-73-3	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
P089 Parathion	56-38-2	0.014	4.6	
P092 P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.				

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Mercury	7439-97-6	NA		IMERC; or RMERC
P092 P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.	7439-97-6	NA		RMERC
P092 P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	7439-97-6	NA		0.20 mg/l TCLP
P092 P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	7439-97-6	NA		0.025 mg/l TCLP
P092 All P092 (phenyl mercuric acetate) wastewaters.	7439-97-6	0.15		NA
P093 Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CAREN; or CMBST		CMBST
P094 Phosphate	298-02-2	0.021		4.6
P095 Phosgene	75-44-5	(WETOX or CHOXD) fb CAREN; or CMBST		CMBST
P096 Phosphine	7803-51-2	CHOXD; CHRED; or CMBST		CHOXD; CHRED; or CMBST
P097 Famphur				

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Pamphur	52-85-7	0.017	15	Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARN; or CMBS	CMBS
P098 Potassium cyanide. Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	P109 Tetraethyldithiopyrophosphate phosphate	3689-24-5	CARN; or CMBS	CMBS
P099 Potassium silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.14 mg/l TCLP	P110 Tetraethyl lead Lead	7439-92-1	0.69	0.75 mg/l TCLP
P101 Ethyl cyanide (Propanenitrile) Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360	P111 Tetraethylpyrophosphate Tetraethylpyrophosphate	107-49-3	CARN; or CMBS	CMBS
P102 Propargyl alcohol Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARN; or CMBS	CMBS	P112 Tetranitromethane Tetranitromethane	509-14-8	CHOXD; CHRED; CARN; BIOGD; or CMBS	CHOXD; CHRED; or CMBS
P103 Selenourea Selenium	7782-49-2	0.82	5.7 mg/l TCLP	P113 Thallic oxide Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHM; or STABL
P104 Silver cyanide Silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.14 mg/l TCLP	P114 Thallium selenite Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P105 Sodium azide Sodium azide	26628-22-8	CHOXD; CHRED; CARN; BIOGD; or CMBS	CHOXD; CHRED; or CMBS	P115 Thallium (I) sulfate Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHM; or STABL
P106 Sodium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	P116 Thiosemicarbazide Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARN; or CMBS	CMBS
P108 Strychnine and salts				P118 Trichloromethanethiol			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

P189 Carbosulfant††††† Carbosulfan	55285-14-8	0.028	1.4
P190 Metolcarb††††† Metolcarb	1129-41-5	0.056	1.4
P191 Dimetilan(10) Dimetilan	644-64-4	0.056	1.4
P192 Isolan(10) Isolan	119-38-0	0.056	1.4
P194 Oxamyl††††† Oxamyl	23135-22-0	0.056	0.00286-28
P196 Manganese dimethyldithiocarbamates (total)††††† Dithiocarbamates (total)	NA	0.028	28
P197 Formparanate(10) Formparanate	17702-57-7	0.056	1.4
P198 Formetanate hydrochloride††††† Formetanate hydro- chloride	23422-53-9	0.056	1.4
P199 Methiocarb††††† Methiocarb	2032-65-7	0.056	1.4
P201 Promecarb††††† Promecarb	2631-37-0	0.056	1.4
P202 m-Cumenyl methylcarbamate††††† m-Cumenyl methyl- carbamate	64-00-6	0.056	1.4
P203			

ILLINOIS REGISTER

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Trichloromethanethiol	75-70-7	(WETOX or CHOXD) Eb CARBN; or CMBST	CMBST
P119 Ammonium vanadate Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABLE
P120 Vanadium pentoxide Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABLE
P121 Zinc cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P122 Zinc phosphide Zinc Phosphide	P122 Zinc phosphide Zn(3)P(2), when present at concentrations greater than 10 Percent CHOXD; CHRED; or CMBST		
P123 Toxaphene Toxaphene	8001-35-2	0.0095	2.6
P127 Carbofuran††††† Carbofuran	1563-66-2	0.006	0.14
P128 Mexacarbate††††† Mexacarbate	315-18-4	0.056	1.4
P185 Tirpate(10) Tirpate	26419-73-8	0.056	0.28
P188 Physostigmine salicylate ††††† Physostigmine salicylate	57-64-7	0.056	1.4

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF PROPOSED AMENDMENTS		NOTICE OF PROPOSED AMENDMENTS	
Aldicarb sulfone††††	1646-89-4	0.056	0.28
Aldicarb sulfone			
P204			
Physostigmine††††	57-47-6	0.056	1.4
Physostigmine			
P205			
Zirman††††	NA	0.028	28
Dithiocarbamates (total)			
U001			
Acetaldehyde	75-07-0	(WETOX or CHOXD) fb	CMBST
Acetaldehyde		CARBN; or CMBST	
U002			
Acetone	67-64-1	0.28	160
Acetone			
U003			
Acetonitrile	75-05-8	5.6	CMBST
Acetonitrile	75-05-8	NA	38
Acetonitrile; alternate (6) standard for nonwastewaters only			
U004			
Acetophenone	98-86-2	0.010	9.7
Acetophenone			
U005			
2-Acetylaminofluorene	53-96-3	0.059	140
2-Acetylaminofluorene			
U006			
Acetyl chloride	75-36-5	(WETOX or CHOXD) fb	CMBST
Acetyl chloride		CARBN; or CMBST	
U007			
Acrylamide			

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF PROPOSED AMENDMENTS		NOTICE OF PROPOSED AMENDMENTS	
Acrylamide	79-06-1	(WETOX or CHOXD) fb	CMBST
		CARBN; or CMBST	
U008			
Acrylic acid	79-10-7	(WETOX or CHOXD) fb	CMBST
Acrylic acid		CARBN; or CMBST	
U009			
Acrylonitrile	107-13-1	0.24	84
Acrylonitrile			
U010			
Mitomycin C	50-07-7	(WETOX or CHOXD) fb	CMBST
Mitomycin C		CARBN; or CMBST	
U011			
Amitrole	61-82-5	(WETOX or CHOXD) fb	CMBST
Amitrole		CARBN; or CMBST	
U012			
Aniline	62-53-3	0.81	14
Aniline			
U014			
Auramine	492-80-8	(WETOX or CHOXD) fb	CMBST
Auramine		CARBN; or CMBST	
U015			
Azaserine	115-02-6	(WETOX or CHOXD) fb	CMBST
Azaserine		CARBN; or CMBST	

POLLUTION CONTROL BOARD
 NOTICE OF PROPOSED AMENDMENTS

 U016 Benz(c)acridine 225-51-4 (WETOX or CHOXD) fb CMBST
 Benz(c)acridine CMBST

 U017 Benzal chloride 98-87-3 (WETOX or CHOXD) fb CMBST
 Benzal chloride CMBST

 U018 Benz(a)anthracene 56-55-3 0.059 3.4
 Benz(a)anthracene

 U019 Benzene 71-43-2 0.14 10
 Benzene

 U020 Benzenesulfonyl chloride 98-09-9 (WETOX or CHOXD) fb CMBST
 Benzenesulfonyl chloride CMBST

 U021 Benzidine 92-87-5 (WETOX or CHOXD) fb CMBST
 Benzidine CMBST

 U022 Benzo(a)pyrene 50-32-8 0.061 3.4
 Benzo(a)pyrene

 U023 Benzo(b)fluoranthene 98-07-7 CHOXD; CHRED; CMBST
 Benzo(b)fluoranthene CHOXD; CHRED; or CMBST

U024 bis(2-Chloroethoxy)methane

 POLLUTION CONTROL BOARD
 NOTICE OF PROPOSED AMENDMENTS

bis(2-Chloroethoxy)-methane 111-91-1 0.036 7.2

 U025 bis(2-Chloroethyl)ether 111-44-4 0.033 6.0
 bis(2-Chloroethyl)ether

 U026 Chlornaphazine 494-03-1 (WETOX or CHOXD) fb CMBST
 Chlornaphazine CMBST

 U027 bis(2-Chloroisopropyl)ether 39638-32-9 0.055 7.2
 bis(2-Chloroisopropyl) ether

 U028 bis(2-Ethylhexyl)phthalate 117-81-7 0.28 28
 bis(2-Ethylhexyl)-phthalate

 U029 Methyl bromide (Bromomethane) 74-83-9 0.11 15
 Methyl bromide (Bromo-methane)

 U030 4-Bromophenyl phenyl ether 101-55-3 0.055 15
 4-Bromophenyl phenyl ether

 U031 n-Butyl alcohol 71-36-3 5.6 2.6
 n-Butyl alcohol

 U032 Calcium chromate 7440-47-3 2.77 0.60 mg/l TCLP
 Chromium (Total)

 U033 Carbon oxyfluoride 353-50-4 (WETOX or CHOXD) fb CMBST
 Carbon oxyfluoride CMBST

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

U034 Trichloroacetaldehyde (Chloral) Trichloroacetaldehyde (Chloral)	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U035 Chlorambucil Chlorambucil	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U036 Chlordane Chlordane (alpha and gamma isomers)	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U037 Chlorobenzene Chlorobenzene	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U038 Chlorobenzilate Chlorobenzilate	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U039 P-Chloro-m-cresol P-Chloro-m-cresol	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U041 Epichlorohydrin (1- Chloro-2,3-epoxypropane) Epichlorohydrin (1- Chloro-2,3-epoxypropane)	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U042 2-Chloroethyl vinyl ether 2-Chloroethyl vinyl ether	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U043 Vinyl chloride Vinyl chloride	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

U044 Chloroform Chloroform	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U045 Chloromethane (Methyl chloride) Chloromethane (Methyl chloride)	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U046 Chloromethyl methyl ether Chloromethyl methyl ether	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U047 2-Chloronaphthalene 2-Chloronaphthalene	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U048 2-Chlorophenol 2-Chlorophenol	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U049 4-Chloro-o-toluidine hydrochloride 4-Chloro-o-toluidine hydrochloride	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U050 Chrysene Chrysene	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26
U051 Creosote Naphthalene Pentachlorophenol Phenanthrene Pyrene Toluene Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations) Lead	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	0.26

POLLUTION CONTROL BOARD		NOTICE OF PROPOSED AMENDMENTS		POLLUTION CONTROL BOARD		NOTICE OF PROPOSED AMENDMENTS	
U052	Cresols (Cresylic acid)	95-48-7	0.11	Daunomycin	20830-81-3	(WETOX or CHOXD) fb	CMBST
	o-Cresol	108-39-4	0.77			CAREN; or CMBST	
	m-Cresol (difficult to distinguish from p-cresol)			U060			
	p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	DDD	53-19-0	0.023	0.087
	Cresol-mixed isomers (Cresylic acid)	1319-77-3	0.88	o,p'-DDD	72-54-8	0.023	0.087
	(sum of o-, m-, and p-cresol concentrations)			p,p'-DDD			
U053	Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb	U061			
	Crotonaldehyde		CMBST	DDT	789-02-6	0.0039	0.087
			CAREN; or CMBST	o,p'-DDT	50-29-3	0.0039	0.087
				p,p'-DDT	53-19-0	0.023	0.087
				o,p'-DDD	72-54-8	0.023	0.087
				p,p'-DDD	3424-82-6	0.031	0.087
				o,p'-DDE	72-55-9	0.031	0.087
				p,p'-DDE			
U055	Cumene	98-82-8	(WETOX or CHOXD) fb	U062			
	Cumene		CMBST	Diallylate	2303-16-4	(WETOX or CHOXD) fb	CMBST
			CAREN; or CMBST			CAREN; or CMBST	
U056	Cyclohexane	110-82-7	(WETOX or CHOXD) fb	U063			
	Cyclohexane		CMBST	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
				Dibenz(a,h)anthracene			
U057	Cyclohexanone	108-94-1	0.36	U064			
	Cyclohexanone	108-94-1	NA	Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb	CMBST
	Cyclohexanone; alternate(6) standard for nonwastewaters only			Dibenz(a,i)pyrene		CAREN; or CMBST	
U058	Cyclophosphamide	50-18-0	CAREN; or CMBST	U066			
	Cyclophosphamide			1,2-Dibromo-3-chloro-propane	96-12-8	0.11	15
				1,2-Dibromo-3-chloropropane			
U059				U067			
				Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
				Ethylene dibromide (1,2-Dibromoethane)			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

O,O-Diethyl-S-methyldithiophosphate, O,O-Diethyl-S-methyl- dithiophosphate	3288-58-2	CMBST	CARBN; or CMBST				
U088 Diethyl phthalate Diethyl phthalate	84-66-2	28	0.20				
U089 Diethyl stilbestrol Diethyl stilbestrol	56-53-1	CMBST	(WETOX or CHOXD) fb CARBN; or CMBST				
U090 Dihydroaafrole Dihydroaafrole	94-58-6	CMBST	(WETOX or CHOXD) fb CARBN; or CMBST				
U091 3,3'-Dimethoxybenzidine 3,3'-Dimethoxybenzidine	119-90-4	CMBST	(WETOX or CHOXD) fb CARBN; or CMBST				
U092 Dimethylamine Dimethylamine	124-40-3	CMBST	(WETOX or CHOXD) fb CARBN; or CMBST				
U093 p-Dimethylaminoazobenzene p-Dimethyl- aminoazobenzene	60-11-7	CMBST	0.13				
U094 7,12-Dimethylbenz(a) anthracene 7,12-Dimethylbenz(a)- anthracene	57-97-6	CMBST	(WETOX or CHOXD) fb CARBN; or CMBST				
U095 3,3'-Dimethylbenzidine							
3,3'-Dimethylbenzidine	119-93-7	CMBST	(WETOX or CHOXD) fb CARBN; or CMBST				
U096 alpha, alpha-Dimethyl benzyl hydroperoxide alpha, alpha-Dimethyl benzyl hydroperoxide	80-15-9		CHOXD; CHRED; CARBN; BIODG; or CMBST				
U097 Dimethylcarbamoyl chloride Dimethylcarbamoyl chloride	79-44-7	CMBST	(WETOX or CHOXD) fb CARBN; or CMBST				
U098 1,1-Dimethylhydrazine 1,1-Dimethylhydrazine	57-14-7		CHOXD; CHRED; CARBN; BIODG; or CMBST				
U099 1,2-Dimethylhydrazine 1,2-Dimethylhydrazine	540-73-8		CHOXD; CHRED; CARBN; BIODG; or CMBST				
U101 2,4-Dimethylphenol 2,4-Dimethylphenol	105-67-9		0.036				
U102 Dimethyl phthalate Dimethyl phthalate	131-11-3		0.047				
U103 Dimethyl sulfate Dimethyl sulfate	77-78-1		CHOXD; CHRED; CARBN; BIODG; or CMBST				
U105 2,4-Dinitrotoluene 2,4-Dinitrotoluene	121-14-2		0.32				
U106 2,6-Dinitrotoluene							

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2,6-Dinitrotoluene	606-20-2	0.55	28
U107 Di-n-octyl phthalate	117-84-0	0.017	28
U108 1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1,4-Dioxane; alternate (6) standard for nonwastewaters only	123-91-1	12.0 CMBST	170
U109 1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate(6) standard for wastewaters only	122-66-7	0.087	NA
U110 Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111 Di-n-propylnitrosamine	621-64-7	0.40	14
U112 Ethyl acetate	141-78-6	0.34	33
U113 Ethyl acrylate	140-88-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U114 Ethylenebisdithiocarbamic acid salts and esters Ethylenebisdithio- carbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115 Ethylene oxide Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8	0.12	NA
U116 Ethylene thiourea Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U117 Ethyl ether Ethyl ether	60-29-7	0.12	160
U118 Ethyl methacrylate Ethyl methacrylate	97-63-2	0.14	160
U119 Ethyl methane sulfonate Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U120 Fluoranthene Fluoranthene	206-44-0	0.068	3.4
U121 Trichloromonofluoromethane Trichloromonofluoro- methane	75-69-4	0.020	30

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

U122 Formaldehyde Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U130 Hexachlorocyclopentadiene Hexachlorocyclopenta- diene	77-47-4	0.057	2.4
U123 Formic acid Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U131 Hexachloroethane Hexachloroethane	67-72-1	0.055	30
U124 Furan Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U132 Hexachlorophene Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U125 Furfural Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U133 Hydrazine Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U126 Glycidylaldehyde Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U134 Hydrogen fluoride Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR; or NEUTR
U127 Hexachlorobenzene Hexachlorobenzene	118-74-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U135 Hydrogen sulfide Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U128 Hexachlorobutadiene Hexachlorobutadiene	87-68-3	0.055	10	U136 Cacodylic acid Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
U129 Lindane alpha-BHC beta-BHC delta-BHC	319-84-6 319-85-7 319-86-8	0.00014 0.00014 0.023	0.066 0.066 0.066	U137 Indeno(1,2,3-c,d)pyrene Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
				U138 Iodomethane Iodomethane	74-88-4	0.19	65
				U140			

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

gamma-BHC (Lindane)	58-89-9	0.0017	0.066
U130 Hexachlorocyclopentadiene Hexachlorocyclopenta- diene	77-47-4	0.057	2.4
U131 Hexachloroethane Hexachloroethane	67-72-1	0.055	30
U132 Hexachlorophene Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U133 Hydrazine Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U134 Hydrogen fluoride Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR; or NEUTR
U135 Hydrogen sulfide Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U136 Cacodylic acid Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
U137 Indeno(1,2,3-c,d)pyrene Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
U138 Iodomethane Iodomethane	74-88-4	0.19	65
U140			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	N-Methyl-N'-nitro-N-nitrosoquuanidine N-Methyl-N'-nitro-N-nitrosoquuanidine	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Methanol; alternate(6) set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/l TCLP			
U155 Methapyrilene Methapyrilene	91-80-5	0.081	1.5	U164 Methylthiouracil Methylthiouracil	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U156 Methyl chlorocarbonate Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U165 Naphthalene Naphthalene	0.059	5.6
U157 3-Methylcholanthrene 3-Methylcholanthrene	56-49-5	0.0055	15	U166 1,4-Naphthoquinone 1,4-Naphthoquinone	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U158 4,4'-Methylene bis(2-chloroaniline) 4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30	U167 1-Naphthylamine 1-Naphthylamine	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U159 Methyl ethyl ketone Methyl ethyl ketone	78-93-3	0.28	36	U168 2-Naphthylamine 2-Naphthylamine	0.52	CMBST
U160 Methyl ethyl ketone peroxide Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST		U169 Nitrobenzene Nitrobenzene	0.068	14
U161 Methyl isobutyl ketone Methyl isobutyl ketone	108-10-1	0.14	33	U170 p-Nitrophenol p-Nitrophenol	0.12	29
U162 Methyl methacrylate Methyl methacrylate	80-62-6	0.14	160	U171 2-Nitropropane 2-Nitropropane	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U163						

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

U172	N-Nitrosodi-n-butylamine N-Nitrosodi-n-butylamine	924-16-3	0.40	CMBST	17	5-Nitro-o-toluidine 5-Nitro-o-toluidine	99-55-8	0.32	28
U173	N-Nitrosodiethanolamine N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		U182 Paraldehyde Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U174	N-Nitrosodiethylamine N-Nitrosodiethylamine	55-18-5	0.40	28		U183 Pentachlorobenzene Pentachlorobenzene	608-93-5	0.055	10
U176	N-Nitroso-N-ethylurea N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		U184 Pentachloroethane Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U177	N-Nitroso-N-methylurea N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		Pentachloroethane; alternater(6) standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U178	N-Nitroso-N-methylurethane N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		U185 Pentachloronitrobenzene Pentachloronitrobenzene	82-68-8	0.055	4.8
U179	N-Nitrosopiperidine N-Nitrosopiperidine	100-75-4	0.013	35		U186 1,3-Pentadiene 1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U180	N-Nitrosopyrrolidine N-Nitrosopyrrolidine	930-55-2	0.013	35		U187 Phenacetin Phenacetin	62-44-2	0.081	16
U181						U188 Phenol Phenol	108-95-2	0.039	6.2
						U189 Phosphorus sulfide Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF PROPOSED AMENDMENTS		NOTICE OF PROPOSED AMENDMENTS	
U190 Phthalic anhydride Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0 0.055 28	Reserpine Reserpine	50-55-5 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9 0.055 28	U201 Resorcinol Resorcinol	108-46-3 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
U191 2-Picoline 2-Picoline	109-06-8 (WETOX or CHOXD) fb CARBN; or CMBST CMBST	U202 Saccharin and salts Saccharin	81-07-2 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
U192 Pronamide Pronamide	23950-58-5 0.093 1.5	U203 Saffrole Saffrole	94-59-7 0.081 22
U193 1,3-Propane sultone 1,3-Propane sultone	1120-71-4 (WETOX or CHOXD) fb CARBN; or CMBST CMBST	U204 Selenium dioxide Selenium	7782-49-2 0.82 5.7 mg/1 TCLP
U194 n-Propylamine n-Propylamine	107-10-8 (WETOX or CHOXD) fb CARBN; or CMBST CMBST	U205 Selenium sulfide Selenium	7782-49-2 0.82 5.7 mg/1 TCLP
U196 Pyridine Pyridine	110-86-1 0.014 16	U206 Streptozotocin Streptozotocin	18883-66-4 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
U197 p-Benzquinone p-Benzquinone	106-51-4 (WETOX or CHOXD) fb CARBN; or CMBST CMBST	U207 1,2,4,5-Tetrachlorobenzene 1,2,4,5-Tetrachloro- benzene	95-94-3 0.055 14
U200		U208 1,1,1,2-Tetrachloroethane 1,1,1,2-Tetrachloro- ethane	630-20-6 0.057 6.0

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

U209	1,1,2,2-Tetrachloroethane	0.057	6.0
	1,1,2,2-Tetrachloroethane		
U210	Tetrachloroethylene	0.056	6.0
	Tetrachloroethylene		
U211	Carbon tetrachloride	0.057	6.0
	Carbon tetrachloride		
U213	Tetrahydrofuran	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
	Tetrahydrofuran		
U214	Thallium (I) acetate	1.4	RTRM; or STABL
	Thallium (measured in wastewaters only)		
U215	Thallium (I) carbonate	1.4	RTRM; or STABL
	Thallium (measured in wastewaters only)		
U216	Thallium (I) chloride	1.4	RTRM; or STABL
	Thallium (measured in wastewaters only)		
U217	Thallium (I) nitrate	1.4	RTRM; or STABL
	Thallium (measured in wastewaters only)		
U218	Thioacetamide	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
	Thioacetamide		
U219			

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Thiourea	62-56-6	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
Thiourea			
U220	Toluene	0.080	10
	Toluene		
U221	Toluenediamine	25376-45-8	CAREN; or CMBST
	Toluenediamine		
U222	o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CAREN; or CMBST
	o-Toluidine hydrochloride		
U223	Toluene diisocyanate	26471-62-5	CAREN; or CMBST
	Toluene diisocyanate		
U225	Bromoform (Tribromomethane)	0.63	15
	Bromoform (Tribromomethane)		
U226	1,1,1-Trichloroethane	0.054	6.0
	1,1,1-Trichloroethane		
U227	1,1,2-Trichloroethane	0.054	6.0
	1,1,2-Trichloroethane		
U228	Trichloroethylene	0.054	6.0
	Trichloroethylene		
U234	1,3,5-Trinitrobenzene	(WETOX or CHOXD) fb	CMBST
	1,3,5-Trinitrobenzene		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	CARBEN; or CMBST		
U235 tris-(2,3-Dibromopropyl)-phosphate tris-(2,3-Dibromo- propyl)-phosphate	0.11	0.10	
U236 Trypan Blue Trypan Blue	72-57-1	CMBST	
U237 Uracil mustard Uracil mustard	66-75-1	CMBST	
U238 Urethane (Ethyl carbamate) Urethane (Ethyl carbamate)	51-79-6	CMBST	
U239 Xylenes Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
U240 2,4-D (2,4-Dichlorophenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid) Salts and esters	94-75-7 NA	0.72	10 CMBST
U243 Hexachloropropylene Hexachloropropylene	1888-71-7	0.035	30

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	(WETOX or CHOXD) fb CARBN; or CMBST		
U244 Thiram Thiram	137-26-8	CMBST	
U246 Cyanogen bromide Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247 Methoxychlor Methoxychlor	72-43-5	0.25	0.18
U248 Warfarin, & salts, when present at concentrations of 0.3 percent or less Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249 Zinc phosphide, Zn(3)P(2), when present at concentrations of 10 percent or less Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U271 Benomyl††††† Benomyl	17804-35-2	0.056	1.4
U278 Bendiocarb††††† Bendiocarb	22781-23-3	0.056	1.4
U279 Carbaryl††††† Carbaryl	63-25-2	0.006	0.14
U280 Barban††††† Barban	101-27-9	0.056	1.4
U328 o-Toluidine o-Toluidine	95-53-4	CMBST; or CHOXD fb	CMBST

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

U353 p-Toluidine p-Toluidine	(BIOG or CARBN); or BIOG fb CARBN			
U359 2-Ethoxyethanol 2-Ethoxyethanol	CMBST; or CHOXD fb (BIOG or CARBN); or BIOG fb CARBN	106-49-0	CMBST	
U364 Bendiocarb phenol(10) Bendiocarb phenol	CMBST; or CHOXD fb (BIOG or CARBN); or BIOG fb CARBN	110-80-5	CMBST	
U367 Carbofuran phenol†††† Carbofuran phenol		22961-82-6	0.056	1.4
U372 Carbendazim†††† Carbendazim		1563-38-8	0.056	1.4
U373 Propham†††† Propham		10605-21-7	0.056	1.4
U387 Prosulfocarb†††† Prosulfocarb		122-42-9	0.056	1.4
U389 Triallate†††† Triallate		52888-80-9	0.042	1.4
U394 A2213(10) A2213		2303-17-5	0.042	1.4
		30558-43-1	0.042	1.4

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

U395 Diethylene glycol, dicarbamate(10) Diethylene glycol, 5952-26-1 dicarbamate		0.056	1.4
U404 Triethylamine(10) Triethylamine	101-44-8	0.081	1.5
U409 Thiophanate-methyl†††† Thiophanate-methyl	23564-05-8	0.056	1.4
U410 Thiodicarb†††† Thiodicarb	59669-26-0	0.019	1.4
U411 Proxopur†††† Proxopur	114-26-1	0.056	1.4

Notes:

- 1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part. "Technology Codes and Description of Technology-Based Standards", "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. ";" separates alternative treatment schemes.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart 0 or 35 Ill. Adm. Code 725.Subpart 0 or based upon

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered non-hazardous nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered non-hazardous nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by specified technologies: combustion, as defined by the technology code CWBST at Table C, for nonwastewaters, and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CWBST, at Table C, for wastewaters. ~~This footnote corresponds with note 10 to the table to 40 CFR 268.467 which has already expired--its own terms--this statement maintains structural consistency with the Federal regulations~~

11 For these wastes, the definition of CWBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724, Subpart O, or (3) combustion units operating under 35 Ill. Adm. Code 725, Subpart O.

BOARD NOTE: Derived from table to 40 CFR 268.40 (19981997), as amended at 63 Fed. Reg. 47415 24626 (SEP. 4 MAY-4, 1998) 7-63 Fed-Reg.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

28643--(May--26--1998) and 63 Fed. Reg. 51264 35149 (SEP. 24 JUNE-29, 1998).

NA means not applicable.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Section 728. TABLE U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard Concentration (in mg/l(2))	Nonwastewater Standard Concentration (in mg/kg(3)) unless noted as "mg/l TCUF")
As233††	38558-43-1	0-042	1-4
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfonate†	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Atamite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Barban††	101-27-9	0.056	1.4
Bendiocarb††	22781-23-3	0.056	1.4
Bendiocarb-phenol††	22961-02-6	0-056	1-4
Benomyl††	17804-35-2	0.056	1.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate††	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl††	63-25-2	0.006	0.14

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Carbazadimf6†	10605-21-7	0.056	1.4	
Carbofuran†	1563-66-2	0.006	0.14	
Carbofuran phenol†	1563-38-8	0.056	1.4	
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP	
Carbon tetrachloride	56-23-5	0.057	6.0	
Carbosulfan†	55285-14-8	0.028	1.4	
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26	
p-Chloroaniline	106-47-8	0.46	16	
Chlorobenzene	108-90-7	0.057	6.0	
Chlorobenzilate	510-15-6	0.10	NA	
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28	
p-Chloro-m-cresol	59-50-7	0.018	14	
Chlorodibromomethane	124-48-1	0.057	15	
Chloroethane	75-00-3	0.27	6.0	
bis(2-Chloro-ethoxy)methane	111-91-1	0.036	7.2	
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0	
2-Chloroethyl vinyl ether	110-75-8	0.062	NA	
Chloroform	67-66-3	0.046	6.0	
eis(2-Chloro-isopropyl)ether	39638-32-9	0.055	7.2	
Chloromethane (Methyl chloride)	74-87-3	0.19	30	
2-Chloronaphthalene	91-58-7	0.055	5.6	

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

2-Chlorophenol	95-57-8	0.044	5.7	
3-Chloropropylene	107-05-1	0.036	30	
Chrysene	218-01-9	0.059	3.4	
o-Cresol	95-48-7	0.11	5.6	
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6	
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6	
m-Cumenyl methyl-carbamate(6)	64-00-6	0.056	1.4	
Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP	
o,p'-DDD	53-19-0	0.023	0.087	
p,p'-DDD	72-54-8	0.023	0.087	
o,p'-DDE	3424-82-6	0.031	0.087	
p,p'-DDE	72-55-9	0.031	0.087	
o,p'-DDT	789-02-6	0.0039	0.087	
p,p'-DDT	50-29-3	0.0039	0.087	
Dibenz(a,h)anthracene	53-70-3	0.055	8.2	
Dibenz(a,e)pyrene	192-65-4	0.061	NA	
1,2-Dibromo-3-chloro-propane	96-12-8	0.11	15	
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15	
Dibromomethane	74-95-3	0.11	15	
m-Dichlorobenzene	541-73-1	0.036	6.0	
o-Dichlorobenzene	95-50-91	0.088	6.0	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

p-Dichlorobenzene 106-46-7 0.090 6.0
 Dichlorodifluoromethane 75-71-8 0.23 7.2
 1,1-Dichloroethane 75-34-3 0.059 6.0
 1,2-Dichloroethane 107-06-2 0.21 6.0
 1,1-Dichloroethylene 75-35-4 0.025 6.0
 trans-1,2-Dichloro-ethylene 156-60-5 0.054 30
 2,4-Dichlorophenol 120-83-2 0.044 14
 2,6-Dichlorophenol 87-65-0 0.044 14
 2,4-Dichloro-phenoxyacetic acid/2,4-D 94-75-7 0.72 10
 1,2-Dichloropropane 78-87-5 0.85 18
 cis-1,3-Dichloro-propylene 10061-01-5 0.036 18
 trans-1,3-Dichloro-propylene 10061-02-6 0.036 18
 Dieldrin 60-57-1 0.017 0.13
 Diethylene-glycol dicarbamate†6† 5952-96-± 0-056 ±-4
 Diethyl phthalate 84-66-2 0.20 28
 p-Dimethylaminoazobenzene 60-11-7 0.13 NA
 2,4-Dimethyl phenol 105-67-9 0.036 14
 Dimethyl phthalate 131-11-3 0.047 28
 Dimethylan†6† 644-64-4 0-056 ±-4
 Di-n-butyl phthalate 84-74-2 0.057 28
 1,4-Dinitrobenzene 100-25-4 0.32 2.3

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

4,6-Dinitro-o-cresol 534-52-1 0.28 160
 2,4-Dinitrophenol 51-28-5 0.12 160
 2,4-Dinitrotoluene 121-14-2 0.32 140
 2,6-Dinitrotoluene 606-20-2 0.55 28
 Di-n-octyl phthalate 117-84-0 0.017 28
 Di-n-propylnitrosamine 621-64-7 0.40 14
 1,4-Dioxane 123-91-1 12.0 170
 Diphenylamine (difficult to distinguish from diphenylnitrosamine) 122-39-4 0.92 13
 Diphenylnitrosamine (difficult to distinguish from diphenylamine) 86-30-6 0.92 13
 1,2-Diphenylhydrazine 122-66-7 0.087 NA
 Disulfoton 298-04-4 0.017 6.2
 Dithiocarbamates (total)†6† 137-30-4 0.028 28
 Endosulfan I 959-98-8 0.023 0.066
 Endosulfan II 33213-65-9 0.029 0.13
 Endosulfan sulfate 1031-07-8 0.029 0.13
 Endrin 72-20-8 0.0028 0.13
 Endrin aldehyde 7421-93-4 0.025 0.13
 EPTC†6† 759-94-4 0.042 1.4
 Ethyl acetate 141-78-6 0.34 33
 Ethyl benzene 100-41-4 0.057 10
 Ethyl cyanide (Propanenitrile) 107-12-0 0.24 360

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ethylene oxide	75-21-8	0.12	NA	Isobutyl alcohol	78-83-1	5.6	170
Ethyl ether	60-29-7	0.12	160	Isodrin	468-73-6	0.021	0.066
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28	Isolan(6)	119-38-0	0-056	1-4
Ethyl methacrylate	97-63-2	0.14	160	Isosafrole	120-58-1	0.081	2.6
				Kepone	143-50-0	0.0011	0.13
				Methacrylonitrile	126-98-7	0.24	84
Famphur	52-85-7	0.017	15	Methanol	67-56-1	5.6	0.75 mg/l TCLP
Fluoranthene	206-44-0	0.068	3.4	Methapyrene	91-80-5	0.081	1.5
Fluorene	86-73-7	0.059	3.4	Methiocarb(6)	2032-65-7	0.056	1.4
Formetanate hydro- chloride(6)	23422-53-9	0.056	1.4	Methomyl(6)	16752-77-5	0.028	0.14
Formparanate(6)	17702-57-7	0-056	1-4	Methoxychlor	72-43-5	0.25	0.18
Heptachlor	76-44-8	0.0012	0.066	3-Methylcholanthrene	56-49-5	0.0055	15
Heptachlor epoxide	1024-57-3	0.016	0.066	4,4-Methylene bis(2- chloroaniline)	101-14-4	0.50	30
Hexachlorobenzene	118-74-1	0.055	10	Methylene chloride	75-09-2	0.089	30
Hexachlorobutadiene	87-58-3	0.055	5.6	Methyl ethyl ketone	78-93-3	0.28	36
Hexachloro- cyclopentadiene	77-47-4	0.057	2.4	Methyl isobutyl ketone	108-10-1	0.14	33
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001	Methyl methacrylate	80-62-6	0.14	160
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001	Methyl methansulfonate	66-27-3	0.018	NA
Hexachloroethane	67-72-1	0.055	30	Methyl parathion	298-00-0	0.014	4.6
Hexachloropropylene	1888-71-7	0.035	30	Methylcarb(6)	1129-41-5	0.056	1.4
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4	Mexacarbate(6)	315-18-4	0.056	1.4
				Mollinate(6)	2212-67-1	0.042	1.4
				Naphthalene	91-20-3	0.059	5.6
Todometane	74-88-4	0.19	65	2-Naphthylamine	91-59-8	0.52	NA

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER		4919	4920
		99	99
POLLUTION CONTROL BOARD			
NOTICE OF PROPOSED AMENDMENTS			NOTICE OF PROPOSED AMENDMENTS
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butyl-amine	924-16-3	0.40	14
N-Nitrosomethyl-amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Oxamyl{6}	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pebulatet{6}	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
o-Phenylenediamine{6}	95-54-5	0.056	5.6
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physoestigmine{6}	57-47-6	0.056	1.4
Physoestigmine salicylate{6}	57-64-7	0.056	1.4
Promecarb{6}	2631-37-0	0.056	1.4
Pronamide	23950-58-5	0.093	1.5
Propant{6}	122-42-9	0.056	1.4
Propoxur{6}	114-26-1	0.056	1.4
Prosulfocarb{6}	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-	NA	0.000063	0.001

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Triethylamine(6)	101-44-8	0.081	1.5
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
Vernolate(6)	1929-77-7	0.042	1.4
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/1 TCLP
Arsenic	7440-38-2	1.4	5.0 mg/1 TCLP
Barium	7440-39-3	1.2	21 mg/1 TCLP
Beryllium	7440-41-7	0.82	1.22 mg/1 TCLP
Cadmium	7440-43-9	0.69	0.11 mg/1 TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCLP
Cyanides (Total)(4)	57-12-5	1.2	590
Cyanides (Amenable)(4)	57-12-5	0.86	30
Fluoride (5)	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/1 TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/1 TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/1 TCLP
Nickel	7440-02-0	3.98	11 mg/1 TCLP
Selenium (7)	7782-49-2	0.82	5.7 mg/1 TCLP
Silver	7440-22-4	0.43	0.14 mg/1 TCLP
Sulfide	18496-25-8	14	NA

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

dibenzofurans)	630-20-6	0.057	6.0
1,1,1,2-Tetrachloro-ethane	79-34-5	0.057	6.0
1,1,2,2-Tetrachloro-ethane	127-18-4	0.056	6.0
Tetrachloroethylene	58-90-2	0.030	7.4
2,3,4,6-Tetrachloro-phenol	59669-26-0	0.019	1.4
Thiodicarb(6)	23564-05-8	0.056	1.4
Thiophanate-methyl(6)	26419-73-8	0-056	0-24
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Triallate(6)	2303-17-5	0.042	1.4
Tribromo-methane (Bromoform)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro-methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxy-acetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Thallium	7440-28-0	1.4	0.20 mg/l TCLP
Vanadium(5)	7440-62-2	4.3	1.6 mg/l TCLP
Zinc(5)	7440-66-6	2.61	4.3 mg/l TCLP

1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.

3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

6 This footnote corresponds with former footnote note 6 to the table to 40 CFR 268.48(a), which USEPA removed at 63 Fed. Reg. 47418 (Sep. 4, 1998) ~~has already expired by its own terms.~~ This statement maintains structural consistency with the federal regulations.

7 This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UTS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (1998:997), as amended at 63 Fed. Reg. 47410 24626 (Sep. 4 May 4, 1998) and 63 Fed. Reg. 28739--(May--267 1998).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** RCRA and UIC Permit Programs
- 2) **Code citation:** 35 Ill. Adm. Code 702
- 3) **Section Numbers:**
702.110, 702.126
Proposed Action:
Amended
- 4) **Statutory authority:** 415 ILCS 5/13, 22.4, and 27
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of April 8, 1999, proposing amendments in docket R99-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

- R99-15
Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.
- The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:
- | | |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 63 Fed. Reg. 37780
(July 14, 1998) | USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment. |
| 63 Fed. Reg. 42109
(August 6, 1998) | USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste. |
| 63 Fed. Reg. 42580
(August 10, 1998) | USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments. |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- | | |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 63 Fed. Reg. 46331
(August 31, 1998) | USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules. |
| 63 Fed. Reg. 47409
(September 4, 1998) | USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents. |
| 63 Fed. Reg. 48124
(September 9, 1998) | USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes. |
| 62 Fed. Reg. 51253
(September 24, 1998) | USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production. |
| 63 Fed. Reg. 54356
(October 9, 1998) | USEPA changed the compliance deadline of the August 6, 1998, petroleum waste rules until December 8, 1998. |
| 63 Fed. Reg. 56709
(October 22, 1998) | USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program. |
| 63 Fed. Reg. 64371
(November 19, 1998) | USEPA issued a final decision not to list 14 waste solvents as hazardous waste. |
| 63 Fed. Reg. 65873
(November 30, 1998) | USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions. |
| 63 Fed. Reg. 71225
(December 24, 1998) | USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers. |

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbonate wastes and waste constituents.

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

63 Fed. Reg. 42109
(August 6, 1998)

63 Fed. Reg. 47409
(September 4, 1998)

63 Fed. Reg. 50387
(September 21, 1998)

63 Fed. Reg. 51253
(September 24, 1998)

63 Fed. Reg. 56709
(October 22, 1998)

63 Fed. Reg. 65873
(November 30, 1998)

63 Fed. Reg. 71225
(December 24, 1998)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

64 Fed. Reg. 6806 (February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 702 implement segments of the federal November 30, 1998, hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 702 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates already imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R99-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R99-15 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 702

RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
 702.101 Purpose, Scope, and Applicability
 702.102 Purpose and Scope (Repealed)
 702.103 Confidentiality of Information Submitted to the Agency or Board
 702.104 References
 702.105 Rulemaking
 702.106 Adoption of Agency Criteria
 702.107 Permit Appeals and Review of Agency Determinations
 702.108 Variances and Adjusted Standards
 702.109 Enforcement Actions
 702.110 Definitions

SUBPART B: PERMIT APPLICATIONS

Section
 702.120 Permit Application
 702.121 Who Applies
 702.122 Completeness
 702.123 Information Requirements
 702.124 Recordkeeping
 702.125 Continuation of Expiring Permits
 702.126 Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section
 702.140 Conditions Applicable to all Permits
 702.141 Duty to Comply
 702.142 Duty to Reapply
 702.143 Duty to Halt or Reduce Activity Not a Defense
 702.144 Duty to Mitigate
 702.145 Proper Operation and Maintenance
 702.146 Permit Actions
 702.147 Property Rights
 702.148 Duty to Provide Information
 702.149 Inspection and Entry
 702.150 Monitoring and Records
 702.151 Signature Requirements

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

702.152 Reporting Requirements
 702.160 Establishing Permit Conditions
 702.161 Duration of Permits
 702.162 Schedules of Compliance
 702.163 Alternative Schedules of Compliance
 702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section
 702.181 Effect of a Permit
 702.182 Transfer
 702.183 Modification
 702.184 Causes for Modification
 702.185 Facility Siting
 702.186 Revocation
 702.187 Minor Modifications

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R89-1 at 13 Ill. Reg. 13083, effective July 29, 1988; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended at 23 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers. When a

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5].

"Administrator" means the Administrator of the United States Environmental Protection Agency or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate Act and regulations" means the Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); or the "Environmental Protection Act" which ever is applicable, and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or interstate program that has been approved or authorized by USEPA under 40 CFR 271 (1996) (RCRA) or Section 1422 of the SDWA (UIC).

"Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of that is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological, or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

radiological substance or matter in water.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724-Subpart 8 for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972), P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576; 33 USC 856-1251 et seq. (1996).

"Date of approval by USEPA of the Illinois UIC program" means March 3, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any "hazardous waste" into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

"Drilling mud" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in 35 Ill. Adm. Code 721-Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in 35 Ill. Adm. Code 720.110.

"Emergency permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" ("EPA" or "USEPA") means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if of:

The owner or operator has obtained the federal Federal, State, and local approvals or permits necessary to begin physical construction; and

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations, -- that cannot be canceled or modified without substantial loss, -- for physical construction of the facility to be completed within a reasonable time.

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

"Facility mailing list" means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

"Facility or activity" means any "HWM facility", UIC "injection well",

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163.

"Federal, State, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal Federal, State, or local hazardous waste control statutes, regulations, or ordinances. (See 35 Ill. Adm. Code 700.102.)

"Final authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management Program that has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (1996). USEPA granted initial final authorization on January 31, 1986.

"Fluid" (UIC) means any material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means "fluid" present in a "formation" under natural conditions, as opposed to introduced fluids, such as "drilling mud".

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" ("HWM facility") means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

waste". A facility may consist of several "treatment", "storage", or "disposal" operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geological "formation", group of formations, or part of a formation receiving fluids through a "well".

"In operation" (RCRA) means a facility that is treating, storing, or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management program that has met the requirements of section 3006(g)(2) of RCRA and applicable requirements of 40 CFR 271 (1996). This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility or activity" classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" that contains the information required by 35 Ill. Adm. Code 722-Subpart B.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309-Subpart A and 310. The term includes an "approved program".

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" that began injection after the UIC program for the State of Illinois applicable to the well was approved.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Off-site" (RCRA) means any site that is not "on-site".

"On-site" (RCRA) means on the same or geographically contiguous property that may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the RCRA or UIC programs.

"Permit" means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705.

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (35 Ill. Adm. Code 704-Subpart C), or any permit that has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit".

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an "HWM facility" to accept "hazardous waste".

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"POTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("POTW") is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in 10 CFR 20,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, P.L. 96-510, 42 USC 8651-6901 et seq. (1996)). For the purposes of regulation under 35 Ill. Adm. Code 700 through 705, 720 through 728, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the USRA Region in which the facility is located or the Regional Administrator's designee.

"Remedial Action Plan" or "RAP" means a special form of RCRA permit that a facility owner or operator may obtain pursuant to 35 Ill. Adm. Code 703.Subpart B, instead of a RCRA permit issued under this Part and 35 Ill. Adm. Code 703, to authorize the treatment, storage, or disposal of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (P.L. 93-523, as amended, 42 USC 8651-6-300f et seq. (1996)).

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"State/EPA agreement" means an agreement between the Regional Administrator and the State that coordinates USEPA and State activities, responsibilities, and programs, including those under the RCRA and SDWA.

"Storage" (RCRA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway, or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical, or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"UIC" means the Underground Injection Control program.

"Underground injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

Which:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Supplies any public water system; or

Contains a sufficient quantity of groundwater to supply a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solids; and

Is what is not an "exempted aquifer".

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility that is subject to regulation under 35 Ill. Adm. Code 309.Subpart A or 310; and

Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled, or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

BOARD NOTE: Derived from 40 CFR 144.3 (1998) (#996) and 270.2 (1998) (#996), as amended at 63 Fed. REG. 65941 (November 30, 1998).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART B: PERMIT APPLICATIONS

Section 702.126 Signatories to Permit Applications and Reports

a) Applications. All applications shall be signed as follows:

- 1) For a corporation: by a responsible corporate officer. For the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

purpose of this section, a responsible corporate officer means: 7
A) A President, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person that who performs similar policy or decision making functions for the corporation, or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

B) The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

BOARD NOTE: The Board does not require specific assignments or delegations of authority to responsible corporate officers identified in subsection (a)(1)(A) of this Section above. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Agency to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under subsection (a)(1)(B) of this Section above rather than to specific individuals.

- 2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- 3) For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a federal agency includes:

A) The chief executive officer of the agency, or
B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).

b) Reports. All reports required by permits or other information requested by the Agency shall be signed by a person described in subsection (a) of this Section above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 1) The authorization is made in writing by a person described in subsection (a) of this Section above;
- 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- 3) The written authorization is submitted to the Agency.

c) Changes to authorization. If an authorization under subsection (b) of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

this Section above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.

d) Certification.

- 1) Any person signing a document under subsection (a) or (b) of this Section above shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons that who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- 2) Alternative owner certification. For remedial action plans (RAPs) under Subpart H of this Part, if the operator certifies according to subsection (d)(1) of this Section, then the owner may choose to make the following certification instead of the certification in subsection (d)(1) of this Section:

Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons that manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon my information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Derived from 40 CFR 144.32 (1998) (#993) and 270.11 (1998), as amended at 63 Fed. Reg. 65941 (November 30, 1998) (#992).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RCRA Permit Program

- 2) Code citation: 35 Ill. Adm. Code 703

- 3) Section Numbers:
 703.121 Amended
 703.157 Amended
 703.161 Added
 703.182 Amended
 703.183 Amended
 703.214 Added
 703.234 Added
 703.300 Added
 703.301 Added
 703.302 Added
 703.303 Added
 703.304 Added
 703.305 Added
 703.306 Added
 703.App. A Amended

- 4) Statutory authority: 415 ILCS 5/72.4 and 27

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of April 8, 1999, proposing amendments in docket R99-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 37780
(July 14, 1998)

USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment.

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331
(August 31, 1998)

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356
(October 9, 1998)

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371
(November 19, 1998)

USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K159 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 703 implement segments of the federal October 22, 1998, amendments allowing the use of alternative mechanisms both to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program and the November 30, 1998, hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Do these rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The existing text of Part 703 includes incorporations by reference. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments add the incorporation of federal RCRA noncompliance reporting requirements of 40 CFR 270.5 by reference at 35 Ill. Adm. Code 720.111 for the purposes of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 703.305(d).

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates already imposed by Federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R99-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R99-15 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda in which this rulemaking was summarized: January 1999

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Scope and Relation to Other Parts
 Purpose
 References

Section
 703.100
 703.101
 703.110

SUBPART B: PROHIBITIONS

Prohibitions in General
 RCRA Permits
 Specific Inclusions in Permit Program
 Specific Exclusions from Permit Program
 Discharges of Hazardous Waste
 Reapplications
 Initial Applications
 Federal Permits (Repealed)

Section
 703.120
 703.121
 703.122
 703.123
 703.124
 703.125
 703.126
 703.127

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Purpose and Scope
 Permits by Rule
 Application by Existing HWM Facilities and Interim Status
 Qualifications
 Application by New HWM Facilities
 Amended Part A Application
 Qualifying for Interim Status
 Prohibitions During Interim Status
 Changes During Interim Status
 Interim Status Standards
 Grounds for Termination of Interim Status
 Permits for Less Than an Entire Facility
 Closure by Removal
 Procedures for Closure Determination
 Alternative Requirements for Post-Closure Care

Section
 703.140
 703.141
 703.150
 703.151
 703.152
 703.153
 703.154
 703.155
 703.156
 703.157
 703.158
 703.159
 703.160
 703.161

SUBPART D: APPLICATIONS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Applications in General
 Contents of Part A
 Contents of Part B
 General Information
 Facility Location Information
 Groundwater Protection Information
 Exposure Information
 Solid Waste Management Units
 Other Information
 Public Participation: Pre-Application Public Notice and Meeting
 Public Participation: Public Notice of Application
 Public Participation: Information Repository
 Specific Part B Application Information
 Containers
 Tank Systems
 Surface Impoundments
 Waste Piles
 Incinerators that Burn Hazardous Waste
 Land Treatment
 Landfills
 Boilers and Industrial Furnaces Burning Hazardous Waste
 Miscellaneous Units
 Process Vents
 Equipment
 Drip Pads
 Air Emission Controls for Tanks, Surface Impoundments, and Containers
 Post-Closure Care Permits

Section
 703.180
 703.181
 703.182
 703.183
 703.184
 703.185
 703.186
 703.187
 703.188
 703.191
 703.192
 703.193
 703.200
 703.201
 703.202
 703.203
 703.204
 703.205
 703.206
 703.207
 703.208
 703.209
 703.210
 703.211
 703.212
 703.213
 703.214

SUBPART E: SHORT TERM AND PHASED PERMITS

Emergency Permits
 Incinerator Conditions Prior to Trial Burn
 Incinerator Conditions During Trial Burn
 Incinerator Conditions After Trial Burn
 Trial Burns for Existing Incinerators
 Land Treatment Demonstration
 Research, Development and Demonstration Permits
 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
 Remedial Action Plans

Section
 703.221
 703.222
 703.223
 703.224
 703.225
 703.230
 703.231
 703.232
 703.234

SUBPART F: PERMIT CONDITIONS OR DENIAL

Permit Denial
 Establishing Permit Conditions
 Noncompliance Pursuant to Emergency Permit

Section
 703.240
 703.241
 703.242

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

703.243 Monitoring
 703.244 Notice of Planned Changes (Repealed)
 703.245 Twenty-four Hour Reporting
 703.246 Reporting Requirements
 703.247 Anticipated Noncompliance
 703.248 Information Repository

SUBPART G: CHANGES TO PERMITS

Section
 703.260 Transfer
 703.270 Modification
 703.271 Causes for Modification
 703.272 Causes for Modification or Reissuance
 703.273 Facility Siting
 703.274 Permit Modification at the Request of the Permittee
 703.280 Class 1 Modifications
 703.281 Class 2 Modifications
 703.282 Class 3 Modifications
 703.283

SUBPART H: REMEDIAL ACTION PLANS

Section
 703.300 General Information
 703.301 Applying for a RAP
 703.302 Getting a RAP Approved
 703.303 How a RAP May Be Modified, Revoked and Reissued, or Terminated
 703.304 Operating Under a RAP
 703.305 Obtaining a RAP for an Off-Site Location
 703.306

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 18316, effective December 20, 1994; amended in R95-20 at 20 Ill. Reg. 9920, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 11225, effective August 1, 1996; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended at 23 Ill. Reg. _____, effective _____.

SUBPART B: PROHIBITIONS

Section 703.121 RCRA Permits

a) No person shall conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation:

- 1) Without a RCRA permit for the HWM (hazardous waste management) facility; or
 - 2) In violation of any condition imposed by a RCRA permit.⁷
- b) Owners and operators of HWM units shall have permits during the active life (including the closure period) of the unit. Owners and operators of surface impoundments, landfills, land treatment units and waste pile units that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, shall have post-closure care permits, unless they demonstrate closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or obtain alternative requirements, as provided under Section 703.161. If a post-closure care permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements.
- c) The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure care permit under this Section.

BOARD NOTE: Derived from 40 CFR 270.1(c) [1998] [1989], as amended at 6354 Fed. Reg. 56735 (Oct. 22, 1998) 96077-March-7-1999.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 703.157 Grounds for Termination of Interim Status

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Interim status terminates when:

- a) Final administrative disposition is made of a permit application, except an application for a remedial action plan (RAP) under Subpart B of this Part as made or.
- b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency shall notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.
- c) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless:
 - 1) the owner or operator submits a Part B application for a permit for such facility prior to that date; and
 - 2) the owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- d) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement, unless the owner or operator of such facility:
 - 1) Submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and
 - 2) Certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- e) For owners or operators of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (2) or (3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements (35 Ill. Adm. Code 725.190 et seq. and 725.240 et seq.).
- f) For owners and operators of each incinerator facility which achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.
- g) For owners and operators of any facility (other than a land disposal or an incinerator facility) which achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.

BOARD NOTE: Derived from 40 CFR 270.10(e)(5) (1998) 449947 and 270.73 (1998) 4998, as amended at 63 56 Fed. Reg. 65941 (Nov. 30, 1998) 72867-February-22

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1991.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART C AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.161 Alternative Requirements for Post-Closure Care

An owner or operator may obtain alternative requirements for post-closure care that comply with the requirements of 35 Ill. Adm. Code 725.221. "Alternative requirements" means an order of the Board that grants relief from the generally-applicable requirements of 35 Ill. Adm. Code 725.221 Subpart E or an Agency-approved plan pursuant to 35 Ill. Adm. Code 740 or 742. BOARD NOTE: Derived from 40 CFR 270.1(c)(7), as added at 63 Fed. Reg. 56735 (Oct. 22, 1998).

(Source: Added at 23 Ill. Reg. _____, effective _____)

SUBPART D: APPLICATIONS

Section 703.182 Contents of Part B

Part B information requirements presented in Sections 703.183 et seq. reflect the standards promulgated in 35 Ill. Adm. Code 724. These information requirements are necessary in order for the Agency to determine compliance with the 35 Ill. Adm. Code 724 standards. If owners and operators of HWM facilities can demonstrate that the information prescribed in Part B cannot be provided to information on a case by case basis. Information may be made available for submission to the Agency and signed in accordance with requirements in 35 Ill. Adm. Code 707.126. Certain technical data, such as design drawings and specifications and engineering studies, shall be certified by a registered professional engineer. For post-closure care permits, only the information specified in Section 703.214 is required in Part B of the permit application. Part B of the RCRA application includes the following:

- a) General information (Section 703.183);
- b) Facility location information (Section 703.184);
- c) Ground-water protection information (Section 703.185);
- d) Exposure information (Section 703.186);
- e) Specific information (Section 703.200 et seq.).

(#60AR-N983--Sec-46-EP-229-i44et#)

BOARD NOTE: Derived from 40 CFR 270.14(a)(1998), as amended at 63 Fed. Reg. 56734 (Oct. 22, 1998).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- a) A general description of the facility;
 - b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724.101.
 - c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
 - d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
 - e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988;
 - f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.274-Subpart C;
 - g) A copy of the contingency plan required by 35 Ill. Adm. Code 724.274-Subpart D;
- BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327 and 724.355. Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (that would correspond with 35 Ill. Adm. Code 724.355), marked "reserved" by USEPA has--not--yet--been adopted.
- h) A description of procedures, structures, or equipment used at the facility to:
 - 1) Prevent hazards in unloading operations (for example, ramps, or special forklifts);
 - 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
 - 3) Prevent contamination of water supplies;
 - 4) Mitigate effects of equipment failure and power outages;
 - 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
 - 6) Prevent releases to the atmosphere;
 - i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- j) Traffic pattern, estimated volume (number and types of vehicles), and control (for example, show turns across traffic lanes and stacking lanes, if appropriate); describe access road surfacing and load bearing capacity; and show traffic control signals;
- k) Facility location information, as required by Section 703.184;
- l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.326, 724.358, 724.360, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations.
- s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

- 1) Map scale and date;
- 2) 100-year floodplain area;
- 3) Surface waters including intermittent streams;
- 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
- 5) A wind rose (i.e., prevailing windspeed and direction);
- 6) Orientation of the map (north arrow);
- 7) Legal boundaries of the HWM facility site;
- 8) Access control (e.g., fences, gates, etc.);
- 9) Injection and withdrawal wells both on-site and off-site;
- 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control;
- 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas);

BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case by case basis.

1a) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued; and

ut) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition of the notice of approval under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required;

va) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) (1998) (#9967)--as--amended--at--61

Fed--Reg--59996--(Nov--25--1996).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 703.214 Post-Closure Care Permits

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

For post-closure care permits, the owner or operator is required to submit only the information specified in Sections 703.183(a), (d), (e), (f), (k), (m), (n), (p), (r), and (s); 703.184; 703.185; and 703.187, unless the Agency determines that additional information from Section 703.183, 703.202, 703.203, 703.204, 703.206, or 703.207 is necessary. The owner or operator is required to submit the same information when it seeks alternative requirements, as provided in Section 703.161.

BOARD NOTE: Derived from 40 CFR 270.28, as added at 63 Fed. Reg. 56735 (Oct. 22, 1998).

(Source: Added at 23 Ill. Reg. _____, effective _____)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.234 Remedial Action Plans

Remedial Action Plans (RAPs) are special forms of permits that are regulated under Subpart H of this Part.

BOARD NOTE: Derived from 40 CFR 270.68, as added at 63 Fed. Reg. 65941 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. _____, effective _____)

SUBPART H: REMEDIAL ACTION PLANS

Section 703.300 Why This Subpart Is Written in a Special Format

USEPA wrote the federal counterpart to this Subpart, 40 CFR 270, Subpart H, in a special format to make it easier to understand the regulatory requirements. The Board has adapted this Subpart H of this Part to use essentially the same format like all other regulations, this Subpart establishes enforceable legal requirements.

BOARD NOTE: Derived from 40 CFR 270.79, added at 63 Fed. Reg. 65941 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 703.301 General Information

a) What is a RAP?

1) A RAP is a special form of RCRA permit that an owner or operator may obtain, instead of a permit issued under 35 Ill. Adm. Code 702 and this Part, to authorize the owner or operator to treat, store, or dispose of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under Section 703.206. The requirements in 35 Ill. Adm. Code 702 and this Part do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under this Subpart H. The definitions in 35 Ill. Adm. Code 702.110 apply to RAPs. Notwithstanding any other provision of 35 Ill. Adm. Code 702 or this Part, any document that meets the requirements in this Section constitutes a RCRA permit, as defined in 35 Ill. Adm. Code 702.110.

4) A RAP may be either of the following:

- A) A standalone document that includes only the information and conditions required by this Subpart H; or
 - B) A part (or parts) of another document that includes information or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subpart H.
- 5) If an owner or operator is treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by authorities issued by USEPA or the State of Illinois, a RAP does not affect the obligations under those authorities in any way.
- 6) If an owner or operator receives a RAP at a facility operating under interim status, the RAP does not terminate the facility's interim status.

BOARD NOTE: Derived from 40 CFR 270.80, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

b) When does an owner or operator need a RAP?

- 1) Whenever an owner or operator treats, stores, or disposes of hazardous remediation wastes in a manner that requires a RCRA permit under Section 703.121, an owner or operator shall obtain either:
 - A) A RCRA permit according to 35 Ill. Adm. Code 702 and this Part; or
 - B) A RAP according to this Subpart H.

2) Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subpart H.

3) An owner or operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. An owner or operator shall have the RAP approved as a modification to the owner's or operator's existing permit according to the requirements of Sections 703.270 through 703.273 or Sections 703.280 through 703.283 instead of the requirements in this Subpart H. When an owner or operator submits an application for such a modification, however, the information requirements in Sections 703.282(a)(1), 703.282(a)(4), and 703.283(a)(4) do not

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

apply; instead, an owner or operator shall submit the information required under Section 703.302(d). When the owner's or operator's RCRA permit is modified, the RAP becomes part of the RCRA permit. Therefore, when the owner's or operator's RCRA permit (including the RAP portion) is modified, revoked and reissued, or terminated, or when it expires, the permit will be modified according to the applicable requirements in Sections 703.270 through 703.273 or 703.280 through 703.283, revoked and reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or terminated according to the applicable requirements in 35 Ill. Adm. Code 702.186, or will expire according to the applicable requirements in 35 Ill. Adm. Code 702.125 and 702.161.

BOARD NOTE: Derived from 40 CFR 270.85, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

c) Does a RAP grant an owner or operator any rights or relieve it of any obligations? The provisions of 35 Ill. Adm. Code 702.181 apply to RAPs.

BOARD NOTE: Derived from 40 CFR 270.90, added at 63 Fed. Reg. 65942 (Nov. 30, 1998). The corresponding federal provision includes an explanation that 40 CFR 270.3 provides that compliance with a permit constitutes compliance with RCRA. This is contrary to Illinois law, under which compliance with a permit does not constitute an absolute defense to a charge of violation of a substantive standard other than a failure to operate in accordance with the terms of a permit. See 35 Ill. Adm. Code 702.181(a) and accompanying Board Note.

(Source: Added at 23 Ill. Reg. _____, effective _____.)

Section 703.302 Applying for a RAP

a) Applying for a RAP. To apply for a RAP, an owner or operator shall complete an application, sign it, and submit it to the Agency according to the requirements in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.95, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

b) Who must obtain a RAP? When a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner shall also sign the RAP application.

BOARD NOTE: Derived from 40 CFR 270.100, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

c) Who must sign the application and any required reports for a RAP? Both the owner and the operator shall sign the RAP application and any required reports according to 35 Ill. Adm. Code 702.126(a), (b), and (c). In the application, both the owner and the operator shall also

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

make the certification required under 35 Ill. Adm. Code 702.126(d)(1). However, the owner may choose the alternative certification under 35 Ill. Adm. Code 702.126(d)(2) if the operator certifies under 35 Ill. Adm. Code 702.126(d)(1).

BOARD NOTE: Derived from 40 CFR 270.105, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

d) What must an owner or operator include in its application for a RAP? An owner or operator shall include the following information in its application for a RAP:

- 1) The name, address, and USPSA identification number of the remediation waste management site;
- 2) The name, address, and telephone number of the owner and operator;
- 3) The latitude and longitude of the site;
- 4) The United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;
- 5) A scaled drawing of the remediation waste management site showing the following:

- A) The remediation waste management site boundaries;
- B) Any significant physical structures; and
- C) The boundary of all areas on-site where remediation waste is to be treated, stored, or disposed of;

6) A specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site. This must include information on the following:

- A) Constituent concentrations and other properties of the hazardous remediation wastes that may affect how such materials should be treated or otherwise managed;

- B) An estimate of the quantity of these wastes; and

- C) A description of the processes an owner or operator will use to treat, store, or dispose of this waste, including technologies, handling systems, design, and operating parameters an owner or operator will use to treat hazardous remediation wastes before disposing of them according to the Land Disposal Restrictions (LDR) of 35 Ill. Adm. Code 729, as applicable.

7) Enough information to demonstrate that operations that follow the provisions in the owner's or operator's RAP application will ensure compliance with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728;

8) Such information as may be necessary to enable the Agency to carry out its duties under other federal laws as is required for traditional RCRA permits under Section 703.183(t);

9) Any other information the Agency decides is necessary for demonstrating compliance with this Subpart H or for determining any additional RAP conditions that are necessary to adequately protect human health and the environment.

BOARD NOTE: Derived from 40 CFR 270.110, added at 63 Fed. Reg. 65942

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Nov. 30, 1998).

e) What if an owner or operator wants to keep this information confidential? 35 Ill. Adm. Code 120 allows an owner or operator to claim as confidential any or all of the information an owner or operator submits to the Agency under this Subpart H. An owner or operator shall assert any such claim at the time that the owner or operator submits its RAP application or other submissions by stamping the words "trade secret" in red ink as provided in 35 Ill. Adm. Code 120.305. If an owner or operator asserts a claim in compliance with 35 Ill. Adm. Code 120.201 at the time it submits the information, the Agency shall treat the information according to the procedures in 35 Ill. Adm. Code 120. If an owner or operator does not assert a claim at the time it submits the information, the Agency shall make the information available to the public without further notice to the owner or operator. The Agency must deny any requests for confidentiality of the owner's or operator's name or address.

BOARD NOTE: Derived from 40 CFR 270.115, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

f) To whom must the owner or operator submit its RAP application? An owner or operator shall submit its application for a RAP to the Agency for approval.

BOARD NOTE: Derived from 40 CFR 270.120, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

g) If an owner or operator submits its RAP application as part of another document, what must the owner or operator do? If an owner or operator submits its application for a RAP as a part of another document, an owner or operator shall clearly identify the components of that document that constitute its RAP application.

BOARD NOTE: Derived from 40 CFR 270.125, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 703.303 Getting a RAP Approved

a) What is the process for approving or denying an application for a RAP?

1) If the Agency tentatively finds that an owner's or operator's RAP application includes all of the information required by Section 703.302(d) and that the proposed remediation waste management activities meet the regulatory standards, the Agency shall make a tentative decision to approve the RAP application. The Agency shall then prepare a draft RAP and provide an opportunity for public comment before making a final decision on the RAP application, according to this Subpart H.

2) If the Agency tentatively finds that the owner's or operator's RAP application does not include all of the information required by Section 703.302(d) or that the proposed remediation waste

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

management activities do not meet the regulatory standards, the Agency may request additional information from an owner or operator or ask an owner or operator to correct deficiencies in the owner's or operator's application. If an owner or operator fails or refuses to provide any additional information the Agency requests, or to correct any deficiencies in its RAP application, the Agency may either make a tentative decision to deny that owner's or operator's RAP application or to approve that application with certain changes, as allowed under Section 39 of the Act (415 ILCS 5/39). After making this tentative decision, the Agency shall prepare a notice of intent to deny the RAP application ("notice of intent to deny") or to approve that application with certain changes and provide an opportunity for public comment before making a final decision on the RAP application, according to the requirements in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.130, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- b) What must the Agency include in a draft RAP? If the Agency prepares a draft RAP, the draft must include the following information:

- 1) The information required under Section 703.302(d)(1) through (3)(6);
- 2) The following terms and conditions:
 - A) Terms and conditions necessary to ensure that the operating requirements specified in the RAP comply with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 (including any recordkeeping and reporting requirements). In satisfying this provision, the Agency may incorporate, expressly or by reference, applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 into the RAP or establish site-specific conditions, as required or allowed by 35 Ill. Adm. Code 724, 726, and 728;
 - B) The terms and conditions in Subpart F of this Part;
 - C) The terms and conditions for modifying, revoking and reissuing, and terminating the RAP, as provided in Section 703.304(a); and
 - D) Any additional terms or conditions that the Agency determines are necessary to adequately protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and
- 3) If the draft RAP is part of another document, as described in Section 703.301(a)(4)(B), the Agency shall clearly identify the components of that document that constitute the draft RAP.

BOARD NOTE: Derived from 40 CFR 270.135, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- c) What else must the Agency prepare in addition to the draft RAP or notice of intent to deny? Once the Agency has prepared the draft RAP or notice of intent to deny, it shall then do the following:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;
- 2) Compile an administrative record, including the following information:
 - A) The RAP application, and any supporting data furnished by the applicant;
 - B) The draft RAP or notice of intent to deny;
 - C) The statement of basis and all documents cited therein (material readily available at the applicable Agency office or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and
 - D) Any other documents that support the decision to approve or deny the RAP; and
- 3) Make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.140, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- d) What are the procedures for public comment on the draft RAP or notice of intent to deny?

- 1) The Agency shall publish notice of its intent as follows:
 - A) Send notice to an owner or operator of its intention to approve or deny the owner's or operator's RAP application, and send an owner or operator a copy of the statement of basis;
 - B) Publish a notice of its intention to approve or deny the owner's or operator's RAP application in a major local newspaper of general circulation;
 - C) Broadcast its intention to approve or deny the owner's or operator's RAP application over a local radio station; and
 - D) Send a notice of its intention to approve or deny the owner's or operator's RAP application to each unit of local government having jurisdiction over the area in which the owner's or operator's site is located, and to each State agency having any authority under State law with respect to any construction or operations at the site.
- 2) The notice required by subsection (d)(1) of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.
- 3) The notice required by subsection (d)(1) of this Section must include the following information:
 - A) The name and address of the Agency office processing the RAP application;
 - B) The name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- will regulate:
- C) A brief description of the activity the RAP will regulate;
 - D) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;
 - E) A brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;
 - F) If a hearing is scheduled, the date, time, location, and purpose of the hearing;
 - G) If a hearing is not scheduled, a statement of procedures to request a hearing;
 - H) The location of the administrative record, and times when it will be open for public inspection; and
 - I) Any additional information that the Agency considers necessary or proper.
- 4) If, within the comment period, the Agency receives written notice of opposition to its intention to approve or deny the owner's or operator's RAP application and a request for a hearing, the Agency shall hold an informal public hearing to discuss issues relating to the approval or denial of the owner's or operator's RAP application. The Agency may also determine on its own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the Agency shall schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in subsection (d)(1) of this Section. This notice must, at a minimum, include the information required by subsection (d)(3) of this Section and the following additional information:
- A) A reference to the date of any previous public notices relating to the RAP application;
 - B) The date, time, and place of the hearing; and
 - C) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Derived from 40 CFR 270.145, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- e) How must the Agency make a final decision on a RAP application?

- 1) The Agency shall consider and respond to any significant comments raised during the public comment period or during any hearing on the draft RAP or notice of intent to deny, and the Agency may revise the draft RAP based on those comments, as appropriate.
- 2) If the Agency determines that the owner's or operator's RAP includes the information and terms and conditions required in subsection (b) of this Section, then it will issue a final decision approving the owner's or operator's RAP and, in writing,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been approved.
- 3) If the Agency determines that the owner's or operator's RAP does not include the information required in subsection (b) of this Section, then it will issue a final decision denying the RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been denied.
 - 4) If the Agency's final decision is that the tentative decision to deny the RAP application was incorrect, it shall withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subpart H.
 - 5) When the Agency issues its final RAP decision, it shall refer to the procedures for appealing the decision under subsection (f) of this Section.
 - 6) Before issuing the final RAP decision, the Agency shall compile an administrative record. Material readily available at the applicable Agency office or published materials that are generally available and that are included in the administrative record need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see subsection (c)(2) of this Section) and the following items:
 - A) All comments received during the public comment period;
 - B) Tapes or transcripts of any hearings;
 - C) Any written materials submitted at these hearings;
 - D) The responses to comments;
 - E) Any new material placed in the record since the draft RAP was issued;
 - F) Any other documents supporting the RAP; and
 - G) A copy of the final RAP.
 - 7) The Agency shall make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.150, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

- f) May the decision to approve or deny a RAP application be administratively appealed?

- 1) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing on the draft RAP, may appeal the Agency's decision to approve or deny the owner's or operator's RAP application to the Board under 35 Ill. Adm. Code 705.219. Any person that did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

under 35 Ill. Adm. Code 705.201 (or a decision under Section 703.240 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required under 35 Ill. Adm. Code 705.201(b) and 705.212(c), the Agency shall give public notice of any grant of review of a RAP through the same means used to provide notice under subsection (d) of this Section. The notice will include the following information:

- A) The public hearing and any briefing schedule for the appeal, as provided by the Board;
- B) A statement that any interested person may participate in the public hearing or file public comments or an amicus brief with the Board; and
- C) The information specified in subsection (d)(3) of this Section, as appropriate.

2) This appeal is a prerequisite to seeking judicial review of these Agency actions.

BOARD NOTE: Derived from 40 CFR 270.155, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

g) When does a RAP become effective? An RAP becomes effective 35 days after the Agency notifies the owner or operator and all commenters that the RAP is approved, unless any of the following is true:

- 1) The Agency specifies a later effective date in its decision;
- 2) An owner or operator or another person has appealed the RAP under subsection (f) of this Section (if the RAP is appealed, and the request for review is granted under subsection (f), conditions of the RAP are stayed according to 35 Ill. Adm. Code 705.202 through 705.204); or

3) No commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

BOARD NOTE: Derived from 40 CFR 270.160, added at 63 Fed. Reg. 65944 (Nov. 30, 1998). The corresponding federal provision provides that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act (415 ILCS 5/40(a)(1)).

h) When may an owner or operator begin physical construction of new units permitted under the RAP? An owner or operator shall not begin physical construction of new units permitted under the RAP for treating, storing, or disposing of hazardous remediation waste before receiving a finally effective RAP.

BOARD NOTE: Derived from 40 CFR 270.165, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. _____, effective _____.)

Section 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) After a RAP is issued, how may it be modified, revoked and reissued, or terminated? In a RAP, the Agency shall specify, either directly or by reference, procedures for future modifications, revocations and reissuances, or terminations of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the owner's or operator's management of its remediation waste, or that otherwise merits public review and comment. If the RAP has been incorporated into a traditional RCRA permit, as allowed under Section 703.301(b)(3), then the RAP will be modified according to the applicable requirements in Sections 703.260 through 703.283, revoked and reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or terminated according to the applicable requirements of 35 Ill. Adm. Code 702.186.

BOARD NOTE: Derived from 40 CFR 270.170, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

b) For what reasons may the Agency choose to modify a final RAP?

1) The Agency may modify the owner's or operator's final RAP on its own initiative only if one or more of the following reasons do not exist, then the Agency shall not modify a final RAP, except at the request of the owner or operator. Reasons for modification are the following:

- A) The owner or operator made material and substantial alterations or additions to the activity that justify applying different conditions;
- B) The Agency finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;
- C) The standards or regulations on which the RAP was based have changed because of new or amended statutes, standards, or regulations or by judicial decision after the RAP was issued;
- D) If the RAP includes any schedules of compliance, the Agency may find reasons to modify the owner's or operator's compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which an owner or operator has little or no control and for which there is no reasonably available remedy;
- E) The owner or operator is not in compliance with conditions of its RAP;
- F) The owner or operator failed in the application or during the RAP issuance process to disclose fully all relevant facts, or an owner or operator misrepresented any relevant facts at the time;
- G) The Agency has determined that the activity authorized by the owner's or operator's RAP endangers human health or the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

environment and can only be remedied by modifying the RAP; or

H) The owner or operator has notified the Agency (as required in the RAP and under 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of a RAP.

- 2) Notwithstanding any other provision in this Section, when the Agency reviews a RAP for a land disposal facility under Section 703.304(f), it may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in 35 Ill. Adm. Code 702, 703, 705, and 720 through 726.

- 3) The Agency shall not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.175, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

- c) For what reasons may the Agency choose to revoke and reissue a final RAP?

- 1) The Agency may revoke and reissue a final RAP on its own initiative only if one or more reasons for revocation and reissuance exist. If one or more reasons do not exist, then the Agency shall not modify or revoke and reissue a final RAP, except at the owner's or operator's request. Reasons for modification or revocation and reissuance are the same as the reasons listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(H) of this Section if the Agency determines that revocation and reissuance of the RAP is appropriate.

- 2) The Agency shall not reevaluate the suitability of the facility location at the time of RAP revocation and reissuance, unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.180, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- d) For what reasons may the Agency choose to terminate a final RAP, or deny a renewal application? The Agency may terminate a final RAP on its own initiative or deny a renewal application for the same reasons as those listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(G) of this Section if the Agency determines that termination of the RAP or denial of the RAP renewal application is appropriate.

BOARD NOTE: Derived from 40 CFR 270.185, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- e) May the decision to approve or deny a modification, revocation and reissuance, or termination of a RAP be administratively appealed?

- 1) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to approve a

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

modification, revocation and reissuance, or termination, of a RAP, according to Section 703.303(f). Any person that did not file comments or did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

- 2) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to deny a request for modification, revocation and reissuance, or termination to the Board. Any person that did not file comments or that did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

- 3) The procedure for appeals of RAPs is as follows:

- A) The person appealing the decision shall send a petition to the Board pursuant to 35 Ill. Adm. Code 101 and 105. The petition must briefly set forth the relevant facts, state the defect or fault that serves as the basis for the appeal, and explain the basis for the petitioner's legal standing to pursue the appeal.

- B) The Board has 120 days after receiving the petition to act on it.

- C) If the Board does not take action on the petition within 120 days after receiving it, the appeal shall be considered denied.

BOARD NOTE: Corresponding 40 CFR 270.190(c)(2) and (c)(3), as added at 63 Fed. Reg. 65945 (Nov. 30, 1998) allow 60 days for administrative review, which is too short a time for the Board to publish the appropriate notices, conduct public hearings, and conduct its review. Rather, the Board has borrowed the 120 days allowed as adequate time for Board review of permit appeals provided in Section 40(a)(2) of the Act [415 ILCS 5/40(a)(2)].

- 4) This appeal is a prerequisite to seeking judicial review of the Agency action on the RAP.

BOARD NOTE: Derived from 40 CFR 270.190, added at 63 Fed. Reg. 65945 (Nov. 30, 1998). The corresponding Federal provisions provide for informal appeal of an Agency RAP decision. There is no comparable informal procedure under Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

- F) When will a RAP expire? RAPs must be issued for a fixed term, not to exceed 10 years, although they may be renewed upon approval by the Agency in fixed increments of no more than ten years. In addition, the Agency shall review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance and the owner or operator of the Agency shall follow the requirements for modifying the RAP as necessary to assure that the owner or operator continues to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

comply with currently applicable requirements in the Act and RCRA sections 3004 and 3005.

BOARD NOTE: Derived from 40 CFR 270.195, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- g) How may an owner or operator renew a RAP that is expiring? If an owner or operator wishes to renew an expiring RAP, the owner or operator shall follow the process for application for and issuance of RAPs in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.200, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- h) What happens if the owner or operator has applied correctly for a RAP renewal but has not received approval by the time its old RAP expires? If the owner or operator has submitted a timely and complete application for a RAP renewal, but the Agency, through no fault of the owner or operator, has not issued a new RAP with an effective date on or before the expiration date of the previous RAP, the previous RAP conditions continue in force until the effective date of the new RAP or RAP denial.

BOARD NOTE: Derived from 40 CFR 270.205, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 703.305 Operating Under a RAP

- a) What records must an owner or operator maintain concerning its RAP? An owner or operator is required to keep records of the following:

- 1) All data used to complete RAP applications and any supplemental information that an owner or operator submits for a period of at least three years from the date the application is signed; and
- 2) Any operating or other records the Agency requires an owner or operator to maintain as a condition of the RAP.

BOARD NOTE: Derived from 40 CFR 270.210, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- b) How are time periods in the requirements in this Subpart H and the RAP computed?

- 1) Any time period scheduled to begin on the occurrence of an act or event must begin on the day after the act or event. (For example, if a RAP specifies that the owner or operator shall close a staging pile within 180 days after the operating term for that staging pile expires, and the operating term expires on June 1, then June 2 counts as day one of the 180 days, and the owner or operator would have to complete closure by November 28.)

- 2) Any time period scheduled to begin before the occurrence of an act or event must be computed so that the period ends on the day before the act or event. (For example, if an owner or operator is transferring ownership or operational control of its site, and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the owner or operator wishes to transfer its RAP, the new owner or operator shall submit a revised RAP application no later than 90 days before the scheduled change. Therefore, if an owner or operator plans to change ownership on January 1, the new owner or operator shall submit the revised RAP application no later than October 3, so that the 90th day would be December 31.)

- 3) If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then an owner or operator shall petition the Board within 35 days after the Agency has issued the final RAP decision. If the 35th day falls on Sunday, then the owner or operator may submit its appeal by the Monday after. If the 35th day falls on July 4th, then the owner or operator may submit its appeal by July 5th.)
- 4) Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him by mail, four days may not be added to the prescribed term. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then the owner or operator shall petition the Board within 35 days after the Agency has issued the final RAP decision.)

BOARD NOTE: Derived from 40 CFR 270.215, added at 63 Fed. Reg. 65945 (Nov. 30, 1998). Federal subsections (c) and (d) provide that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act (415 ILCS 5/40(a)(1)). Further, federal subsection (d) provides three days for completion of service by mail. The addition of four days (see procedural rule 35 Ill. Adm. Code 101.144(c)) to be consistent with 40 CFR 270.215(d) would exceed the 35 days allowed under Section 40(a)(1) of the Act (415 ILCS 5/40(a)(1)).

- c) How may an owner or operator transfer its RAP to a new owner or operator?

- 1) If an owner or operator wishes to transfer its RAP to a new owner or operator, the owner or operator shall follow the requirements specified in its RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute "significant" modifications for purposes of Section 703.304(a). The new owner or operator shall submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner or operator and the new permittees.

- 2) When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the applicable requirements in 35 Ill. Adm. Code 724. Subpart H (Financial

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Requirements) until the new owner or operator has demonstrated that it is complying with the requirements in that Subpart. The new owner or operator shall demonstrate compliance with 35 Ill. Adm. Code 724.Subpart H within six months after the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner or operator demonstrates compliance with 35 Ill. Adm. Code 724.Subpart H to the Agency, the Agency shall notify the old owner or operator that it no longer needs to comply with 35 Ill. Adm. Code 724.Subpart H as of the date of demonstration.

BOARD NOTE: Derived from 40 CFR 270.220, added at 63 Fed. Reg. 65946 (Nov. 30, 1998).

d) What must the Agency report about noncompliance with RAPs? The Agency shall report noncompliance with RAPs according to the provisions of 40 CFR 270.57, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Derived from 40 CFR 270.225, added at 63 Fed. Reg. 65946 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 703.306 Obtaining a RAP for an Off-Site Location

May an owner or operator perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated?

a) An owner or operator may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if the owner or operator believes such a location would be more protective than the contaminated area or areas in close proximity.

b) If the Agency determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the Agency shall approve a RAP for this alternative location.

c) An owner or operator shall request the RAP, and the Agency shall approve or deny the RAP, according to the procedures and requirements in this Subpart H.

d) A RAP for an alternative location must also meet the following requirements, which the Agency shall include in the RAP for such locations:

- 1) The RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;
- 2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;
- 3) The RAP is subject to the public notice requirements in 35 Ill.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Adm. Code 705.163:

- 4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time (the owner or operator shall demonstrate compliance with this standard through the requirements in Section 703.183(k)) (See the definitions of terms in 35 Ill. Adm. Code 724.118(a)).

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in 40 CFR 264, Appendix VI.

e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:

- 1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201; and
- 2) Application of 35 Ill. Adm. Code 724.101(i) in lieu of 35 Ill. Adm. Code 724.Subparts B, C, and D.

BOARD NOTE: Derived from 40 CFR 270.230, added at 63 Fed. Reg. 65946 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 703.APPENDIX A Classification of Permit Modifications

- Class**
- A.**
- General Permit Provisions**
- 1 1. Administrative and informational changes.
 - 1 2. Correction of typographical errors.
 - 1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
 4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:
 - 1 a. To provide for more frequent monitoring, reporting, or maintenance.
 - 2 b. Other changes.
 5. Schedule of compliance:
 - 1* a. Changes in interim compliance dates, with prior approval of the Agency.
 - 3 b. Extension of final compliance date.
 - 1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
 - 1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

B.

General Facility Standards

 1. Changes to waste sampling or analysis methods:
 - 1 a. To conform with Agency guidance or Board regulations.
 - 1* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
 - 1* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.
 - 2 d. Other changes.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2. Changes to analytical quality assurance/control plan:

- 1 a. To conform with agency guidance or regulations.
 - 2 b. Other changes.
 - 1 3. Changes in procedures for maintaining the operating record.
 - 2 4. Changes in frequency or content of inspection schedules.
 5. Changes in the training plan:
 - 2 a. That affect the type or decrease the amount of training given to employees.
 - 1 b. Other changes.
 6. Contingency plan:
 - 2 a. Changes in emergency procedures (i.e., spill or release response procedures).
 - 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.
 - 2 c. Removal of equipment from emergency equipment list.
 - 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.
- Note:** When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.
- 7. CQA plan:**
- a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.
 - b. Other changes.
- Note:** When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as a permit modification.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

C. Groundwater Protection

1. Changes to wells:
 - a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.
 - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.
- 1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2* 4. Changes in point of compliance.
5. Changes in indicator parameters, hazardous constituents or concentration limits (including AGLs (Alternate Concentration Limits)):
 - a. As specified in the groundwater protection standard.
 - b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
7. Compliance monitoring program:
 - a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
 - b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
8. Corrective action program:
 - a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
 - b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
- D. Closure

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1. Changes to the closure plan:

- 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
3. Addition of the following new units to be used temporarily for closure activities:
 - a. Surface impoundments.
 - b. Incinerators.
 - c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
 - d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
 - e. Tanks or containers (other than specified below).
 - f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.
 - g. Staging piles.
- E. Post-Closure

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1 1. Changes in name, address, or phone number of contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.
- F. Containers
1. Modification or addition of container units:
 - 3 a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 2 b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
2. Modification of container units without an increased capacity or alteration of the system:
 - 2 a. Modification of a container unit without increasing the capacity of the unit.
 - 1 b. Addition of a roof to a container unit without alteration of the containment system.
 3. Storage of different wastes in containers, except as provided in F(4):
 - 3 a. That require additional or different management practices from those authorized in the permit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2 b. That do not require additional or different management practices from those authorized in the permit.
- NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
4. Storage or treatment of different wastes in containers:
 - 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
 - 1* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- G. Tanks
 1.
 - 3 a. Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
 - 2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
 - 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
 - 1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(iii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
- 3 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within ± 10 percent of the replaced tank provided:
 - a. The capacity difference is no more than 1500 gallons,
 - b. The facility's permitted tank capacity is not increased, and
 - c. The replacement tank meets the same conditions in the permit.
- 2 4. Modification of a tank management practice.
- 5 5. Management of different wastes in tanks:
 - a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
 - b. That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(iii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- H. Surface Impoundments
 - 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
 - 3 2. Replacement of a surface impoundment unit.
 - 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.
 - 2 4. Modification of a surface impoundment management practice.
 - 5 5. Treatment, storage, or disposal of different wastes in surface impoundments:
 - 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
 - 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(iii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).

7. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- I. Enclosed Waste Piles. For all waste piles, except those complying with 3 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:
 - 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.
 - 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.
 - 2 2. Modification of waste pile unit without increasing the capacity of the unit.
- 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2 4. Modification of a waste pile management practice.

5. Storage or treatment of different wastes in waste piles:

- 3 a. That require additional or different management practices or different design of the unit.
- 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 2 6. Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.

- 3 2. Replacement of a landfill.

- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system.

- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system.

- 2 5. Modification of a landfill management practice.

6. Landfill different wastes:

- 3 a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

- 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.6(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.

8. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

5. Management of different wastes in land treatment units:

- 3 a. That require a change in permit operating conditions or unit design specifications.
- 2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:

- 3 a. Increase rate or change method of waste application.
- 1 b. Decrease rate of waste application.

- 2 7. Modification of a land treatment unit management practice to change measure of pH or moisture content or to enhance microbial or chemical reactions.

- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.

- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).

- 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, or number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.

- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.

- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.

- 2 13. Changes in sampling, analysis, or statistical procedure.

- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.

1* 16. Changes to allow a second land treatment demonstration to be shown when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.

3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.

2 18. Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces

3 1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

2 2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulates from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

5. Operating requirements:

3 a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum or maximum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

3 a. If the waste contains a PORC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 b. If the waste does not contain a PORC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shutdown and trial burn:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shutdown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
- 1* b. Authorization of up to an additional 720 hours of waste burning during the shutdown period for determining operational readiness after construction, with the prior approval of the Agency.
- 1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1 8. Substitution of an alternate type of non-hazardous nonhazardous waste fuel that is not specified in the permit.
- 1* 9. Technology changes needed to meet standards under federal 40 CFR 63 (Subpart EEE--National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of Section 35 ~~III-Adm-Code 703.280(j)~~ of this Section are followed.
- M. Containment Buildings.
 1. Modification or addition of containment building units:
 - 3 a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.
 - 2 b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.
 - 2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
 3. Replacement of a containment building with a containment building that meets the same design standards provided:
 - 1 a. The unit capacity is not increased.
 - 1 b. The replacement containment building meets the same conditions in the permit.
 - 2 4. Modification of a containment building management practice.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

5. Storage or treatment of different wastes in containment buildings:
 - 3 a. That require additional or different management practices.
 - 2 b. That do not require additional or different management practices
 - N. Corrective Action.
 - 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
 - 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.
 - 2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.
- Note: * Indicates modification requiring prior Agency approval.
- BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1998) (1997), as amended at 63 Fed. Reg. 65941 39829 (NOV. 30, 1998 June-19, 1998).
- (Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) **Code citation:** 35 Ill. Adm. Code 724

3) **Section Numbers:**
724.101 Amended
724.173 Amended
724.190 Amended
724.201 Amended
724.210 Amended
724.212 Amended
724.218 Amended
724.240 Amended
724.652 Amended
724.653 Amended
724.654 Added

Proposed Action:

4) **Statutory authority:** 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of April 8, 1999, proposing amendments in docket R99-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 USEPA withdrew segments of a May 6, 1998 (July 14, 1998) direct final rule that drew adverse comment.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 42109 USEPA adopted new waste listings and land disposal restrictions (IDRS) for petroleum wastes, including certain exclusions from regulation as hazardous waste.
(August 6, 1998)

63 Fed. Reg. 42580 USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV IDRS; and the June 29, 1998, organobromine waste technical amendments.
(August 10, 1998)

63 Fed. Reg. 46331 USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.
(August 31, 1998)

63 Fed. Reg. 47409 USEPA changed the effective dates and adopted emergency amendments to the IDRS applicable to several carbonate wastes and waste constituents.
(September 4, 1998)

63 Fed. Reg. 48124 USEPA issued an extension of the Phase IV IDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.
(September 9, 1998)

63 Fed. Reg. 51253 USEPA adopted IDR treatment standards applicable to spent potliners from primary aluminum production.
(September 24, 1998)

63 Fed. Reg. 54356 USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.
(October 9, 1998)

63 Fed. Reg. 56709 USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.
(October 22, 1998)

63 Fed. Reg. 64371 USEPA issued a final decision not to list 14 waste solvents as hazardous waste.
(November 19, 1998)

63 Fed. Reg. 65873 USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.
(November 30, 1998)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 71225 (December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806 (February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 38756 (July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387 (September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109 (August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409 (September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate waste and waste constituents.

63 Fed. Reg. 50387 (September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253 (September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709 (October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873 (November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806 (February 11, 1999)
USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 19, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 724 implement segments of the Federal October 22, 1998, amendments allowing the use of alternative mechanisms to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program and the November 30, 1998, hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first-notice or to second-notice review by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 724 includes incorporations by reference, the present amendments do not affect those incorporations.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates already imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R99-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge at 312-814-6224.

Request copies of the Board's opinion and order in docket R99-15 from Patricia Jones at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF

HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101 Purpose, Scope, and Applicability
724.103 Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110 Applicability
724.111 Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes
724.118 Location Standards
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space
724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
724.150 Applicability
724.151 Purpose and Implementation of Contingency Plan
724.152 Content of Contingency Plan
724.153 Copies of Contingency Plan
724.154 Amendment of Contingency Plan

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Emergency Coordinator
Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
724.155 Applicability
724.156 Use of Manifest System
724.171 Manifest Discrepancies
724.172 Operating Record
724.173 Availability, Retention and Disposition of Records
724.174 Annual Report
724.175 Unmanifested Waste Report
724.176 Additional Reports
724.177

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section
724.190 Applicability
724.191 Required Programs
724.192 Groundwater Protection Standard
724.193 Hazardous Constituents
724.194 Concentration Limits
724.195 Point of Compliance
724.196 Compliance Period
724.197 General Groundwater Monitoring Requirements
724.198 Detection Monitoring Program
724.199 Compliance Monitoring Program
724.200 Corrective Action Program
724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section
724.210 Applicability
724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed For Closure
724.214 Disposal or Decontamination of Equipment, Structures and Soils
724.215 Certification of Closure
724.216 Survey Plan
724.217 Post-closure Care and Use of Property
724.218 Post-Closure Care Closure Plan; Amendment of Plan
724.219 Post-Closure Notices
724.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	Applicability
724.240	Definitions of Terms As Used In This Subpart
724.241	Cost Estimate for Closure
724.242	Financial Assurance for Closure
724.243	Cost Estimate for Post-closure Care
724.244	Financial Assurance for Post-closure Care
724.245	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.246	Post-closure Care
724.247	Liability Requirements
724.248	Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.251	Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	Applicability
724.270	Condition of Containers
724.271	Compatibility of Waste with Container
724.272	Management of Containers
724.273	Inspections
724.274	Containment
724.275	Special Requirements for Ignitable or Reactive Waste
724.276	Special Requirements for Incompatible Wastes
724.277	Closure
724.278	Air Emission Standards
724.279	

SUBPART J: TANK SYSTEMS

Section	Applicability
724.290	Assessment of Existing Tank System's Integrity
724.291	Design and Installation of New Tank Systems or Components
724.292	Containment and Detection of Releases
724.293	General Operating Requirements
724.294	Inspections
724.295	Response to Leaks or Spills and Disposition of Leaking or unit-for-use Tank Systems
724.296	Closure and Post-Closure Care
724.297	Special Requirements for Ignitable or Reactive Waste
724.298	Special Requirements for Incompatible Wastes
724.299	Air Emission Standards
724.300	

SUBPART K: SURFACE IMPOUNDMENTS

Section	Applicability
724.320	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

724.321	Design and Operating Requirements
724.322	Action Leakage Rate
724.323	Response Actions
724.324	Monitoring and Inspection
724.325	Emergency Repair; Contingency Plans
724.326	Closure and Post-closure Care
724.327	Special Requirements for Ignitable or Reactive Waste
724.328	Special Requirements for Incompatible Wastes
724.329	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.330	Air Emission Standards
724.331	
724.332	

SUBPART L: WASTE PILES

Section	Applicability
724.350	Design and Operating Requirements
724.351	Action Leakage Rate
724.352	Response Action Plan
724.353	Monitoring and Inspection
724.354	Special Requirements for Ignitable or Reactive Waste
724.355	Special Requirements for Incompatible Wastes
724.356	Closure and Post-closure Care
724.357	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.358	
724.359	

SUBPART M: LAND TREATMENT

Section	Applicability
724.370	Treatment Program
724.371	Treatment Demonstration
724.372	Design and Operating Requirements
724.373	Food-chain Crops
724.374	Unsatuated Zone Monitoring
724.375	Recordkeeping
724.376	Closure and Post-closure Care
724.377	Special Requirements for Ignitable or Reactive Waste
724.378	Special Requirements for Incompatible Wastes
724.379	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.380	
724.381	
724.382	
724.383	

SUBPART N: LANDFILLS

Section	Applicability
724.400	Design and Operating Requirements
724.401	Action Leakage Rate
724.402	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

724.403	Monitoring and Inspection
724.404	Response Actions
724.409	Surveying and Recordkeeping
724.410	Closure and Post-closure Care
724.412	Special Requirements for Ignitable or Reactive Waste
724.413	Special Requirements for Incompatible Wastes
724.414	Special Requirements for Bulk and Containerized Liquids
724.415	Special Requirements for Containers
724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART O: INCINERATORS

Section	Applicability
724.440	Waste Analysis
724.441	Principal Organic Hazardous Constituents (POHCs)
724.442	Performance Standards
724.443	Hazardous Waste Incinerator Permits
724.444	Operating Requirements
724.445	Monitoring and Inspections
724.447	Closure
724.451	Closure

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section	Corrective Action Management Units
724.652	Temporary Units
724.653	Staging Piles
724.654	Staging Piles

SUBPART W: DRIP PADS

Section	Applicability
724.670	Assessment of existing drip pad integrity
724.671	Design and installation of new drip pads
724.672	Design and operating requirements
724.673	Inspections
724.674	Closure
724.675	Closure

SUBPART X: MISCELLANEOUS UNITS

Section	Applicability
724.700	Environmental Performance Standards
724.701	Monitoring, Analysis, Inspection, Response, Reporting and Corrective
724.702	Monitoring, Analysis, Inspection, Response, Reporting and Corrective

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Action	Post-closure Care
724.703	Post-closure Care
Section	Applicability
724.930	Definitions
724.931	Standards: Process Vents
724.932	Standards: Closed-vent Systems and Control Devices
724.933	Test Methods and Procedures
724.934	Recordkeeping Requirements
724.935	Reporting Requirements
724.936	Reporting Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	Applicability
724.950	Definitions
724.951	Standards: Pumps in Light Liquid Service
724.952	Standards: Compressors
724.953	Standards: Pressure Relief Devices in Gas/Vapor Service
724.954	Standards: Sampling Connecting Systems
724.955	Standards: Open-ended Valves or Lines
724.956	Standards: Valves in Gas/Vapor or Light Liquid Service
724.957	Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors
724.958	Standards: Delay of Repair
724.959	Standards: Closed-vent Systems and Control Devices
724.960	Standards: Closed-vent Systems and Control Devices
724.961	Alternative Percentage Standard for Valves
724.962	Skip Period Alternative for Valves
724.963	Test Methods and Procedures
724.964	Recordkeeping Requirements
724.965	Reporting Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section	Applicability
724.980	Definitions
724.981	Standards: General
724.982	Standards: General
724.983	Waste Determination Procedures
724.984	Standards: Tanks
724.985	Standards: Surface Impoundments
724.986	Standards: Containers
724.987	Standards: Closed-vent Systems and Control Devices
724.988	Inspection and Monitoring Requirements
724.989	Recordkeeping Requirements

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

724.990 Reporting Requirements
724.991 Alternative Control Requirements for Tanks

SUBPART DD: CONTAINMENT BUILDINGS

Section
724.1100 Applicability
724.1101 Design and operating standards
724.1102 Closure and Post-closure Care

APPENDIX A Recordkeeping Instructions
APPENDIX B EPA Report Form and Instructions (Repealed)
APPENDIX C Cochran's Approximation to the Benfren-Fisher Student's T-Test
APPENDIX D Examples of Potentially Incompatible Waste
APPENDIX E Groundwater Monitoring List

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16659, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9634, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective November 23, 1994; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1995; amended in R95-20 at 20 Ill. Reg. 636, effective December 16, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R98-12 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-3/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended at 23 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subcategory

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

- The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 USC H-S-6e 1431-1434, 33 USC H-S-6e 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.
- HAZARDOUS waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
- The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704.Subpart F.
- BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.
- The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to P/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

728-Table T) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).

7) This subsection corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

8) Immediate response:

A) Except as provided in subsection (g)(8)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
- ii) An imminent and substantial threat of a discharge of hazardous waste;
- iii) A discharge of a material that becomes a hazardous waste when discharged; or
- iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of 724-Subparts C and D of this Part.

C) Any person that is covered by subsection (g)(8)(A) of this Section and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.

D) In the case of an explosives or munitions emergency response, if a Federal, State ~~state~~, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that ~~who~~ do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.

11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 723 when handling the following universal wastes:

- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
- B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- C) Thermosats, as described in 35 Ill. Adm. Code 733.104; and
- D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (g)(11)(D) of this Section was added pursuant to Section 22.23a of the Act (415 ILCS 5/22.23a) (see P.A. 90-502, effective August 19, 1997).

h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 720.

i) 35 Ill. Adm. Code 726-505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

j) The requirements of Subparts B, C, and D of this Part and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D of this Part, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of Subparts B, C, and D of this Part, owners or operators of remediation waste management sites shall comply with the following requirements:

1) The owner or operator shall obtain an EPA identification number by applying to USEPA using USEPA Form 8700-12:

2) The owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator shall keep the analysis accurate and up to date.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) The owner or operator shall prevent people who are unaware of the danger from entering the site, and the owner or operator shall minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:
 - A) Physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock who may enter the active portion of the remediation waste management site; and
 - B) Disturbance of the waste or equipment by people or livestock who enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator shall inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharge that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator shall remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator shall immediately take remedial action.
 - 5) The owner or operator shall provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of this Part, and on how to respond effectively to emergencies;
 - 6) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator shall prevent threats to human health and the environmental from ignitable, reactive, and incompatible waste;
 - 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X of this Part, the owner or operator shall design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
 - 8) The owner or operator shall not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
 - 9) The owner or operator shall develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) The owner or operator shall develop and maintain procedures to prevent accidents and a contingency and emergency plan to control design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health, or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment.
 - 11) The owner or operator shall designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.
 - 12) The owner or operator shall develop, maintain, and implement a plan to meet the requirements in subsections (1)(2) through (1)(6) and (1)(9) through (1)(10) of this Section; and
 - 13) The owner or operator shall maintain records documenting compliance with subsections (1)(1) through (1)(12) of this Section.
- (Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility:
 - 1) A description and the quantity of each hazardous waste received, and the method or methods and date or dates of its treatment,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

storage, or disposal at the facility, as required by Appendix A of this Part;

2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

BOARD NOTE: See Section 724.219 for related requirements.

3) Records and results of waste analyses and waste determinations performed as specified in Sections 724.113, 724.117, 724.414, 724.441, 724.934, 724.963, and 724.983 and in 35 Ill. Adm. Code 728.104(a) and 728.107;

4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 724.156(j);

5) Records and results of inspections, as required by Section 724.115(d) (except these data need to be kept only three years);

6) Monitoring, testing, or analytical data and corrective action data where required by Subpart F of this Part or Sections 724.119, 724.291, 724.293, 724.295, 724.322, 724.323, 724.326, 724.359, through 724.354, 724.376, 724.379, 724.380, 724.402 through 724.404, 724.409, 724.447, 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, and 724.982 through 724.990;

7) For off-site facilities, notices to generators as specified in Section 724.112(b);

8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure care cost estimates under Section 724.244;

9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment;

10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);

11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

728.107 or 728.108;

12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable;

14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, required under 35 Ill. Adm. Code 728.108, whichever is applicable;

15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and

16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and;

17) Any records required under Section 724.101(i)(13).

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.190 Applicability

a) Types of units.

1) Except as provided in subsection (b), the regulations in this Subpart apply to owners and operators of facilities that treat, store or dispose of hazardous waste. The owner or operator shall satisfy the requirements identified in subsection (a)(2) for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.

2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit or landfill that receives hazardous waste after July 26, 1992 (hereinafter referred to as a "regulated unit") must comply with the requirements of Sections 724.191 through 724.200, in lieu of Section 724.201 for purposes

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of detecting, characterizing and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.

- b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Subpart if:

- 1) The owner or operator is exempted under Section 724.101; or
- 2) The owner or operator operates a unit which the Agency finds:
 - A) Is an engineered structure.
 - B) Does not receive or contain liquid waste or waste containing free liquids.
 - C) Is designed and operated to exclude liquid, precipitation and other run-on and run-off.
 - D) Has both inner and outer layers of containment enclosing the waste.
 - E) Has a leak detection system built into each containment layer.

- F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods; and
- G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period; or

- 3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualified as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a statistically significant increase in hazardous constituents below the treatment zone during operating life of the unit. An exemption under this paragraph can only relieve an owner or operator of responsibility to meet the requirements of this Subpart during the post-closure care period; or

- 4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified under Section 724.217. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator shall base any predictions made under this paragraph on assumptions that maximize the rate of liquid migration; or

- 5) The owner or operator designs and operates a pile in compliance

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

with Section 724.350(c).

- c) The regulations under this Subpart apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this Subpart:
 - 1) Do not apply if all waste, waste residues, contaminated containment system components and contaminated subsoils are removed or decontaminated at closure;
 - 2) Apply during the post-closure care period under Section 724.217 if the owner or operator is conducting a detection monitoring program under Section 724.198; or
 - 3) Apply during the compliance period under Section 724.196 if the owner or operator is conducting a compliance monitoring program under Section 724.199 or a corrective action program under Section 724.200.

- d) This Subpart applies to miscellaneous units if necessary to comply with Sections 724.701 through 724.703.

- e) The regulations of this Subpart F apply to all owners and operators subject to the requirements of 35 Ill. Adm. Code 703.161 when the Agency issues a post-closure care permit that contains alternative requirements for the facility, as provided in 35 Ill. Adm. Code 703.161. No alternative requirements shall apply other than those established as provided in 35 Ill. Adm. Code 703.161 and incorporated into the facility permit.

BOARD NOTE: The corresponding federal regulations, adopted by USEPA on October 22, 1998 (63 Fed. Reg. 56710), refer to an "enforceable document" that incorporates the alternative requirements. In Illinois, all facility requirements are incorporated into a permit, and alternative requirements are incorporated into a permit by virtue of the owner or operator obtaining appropriate relief. This appropriate relief could take the form of an adjusted standard, a variance, or a site-specific rule from the Board or a permit issued by the Agency under the "Brownfields" or "VACO" rules of 35 Ill. Adm. Code 740 or 742. In its discussion of the federal rules, USEPA cited Code 740 or 742. Pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or orders issued pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606, as examples of enforceable documents. Notwithstanding the existence of a federally-issued "enforceable document," the owner or operator of a facility in Illinois shall obtain State authorization of its alternative requirements by a permit duly issued by the Agency. In incorporating the federal requirement into the Illinois regulations, the Board has altered federal language to reflect this aspect of Illinois law.

The Board will or the Agency shall establish alternative requirements for groundwater monitoring and corrective action for releases to groundwater applicable to a regulated unit that replace all or part of the requirements of 35 Ill. Adm. Code 724.191 through 724.200, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- f) The Board will or the Agency shall establish alternative requirements for groundwater monitoring and corrective action for releases to groundwater applicable to a regulated unit that replace all or part of the requirements of 35 Ill. Adm. Code 724.191 through 724.200, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
- 2) It is not necessary to apply the groundwater monitoring and corrective action requirements of 35 Ill. Adm. Code 724.191 through 724.200 because alternative requirements will adequately protect human health and the environment.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 724.201 Corrective Action for Solid Waste Management Units

- a) The owner or operator of a facility seeking a permit for the treatment, storage, or disposal of hazardous waste must institute corrective action as necessary to adequately protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.
- b) Corrective action will be specified in the permit in accordance with this Section and Subpart 8 of this Part. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.

- c) The owner or operator shall must implement corrective action measures beyond the facility property boundary, where necessary to adequately protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner and operator are not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for such corrective action must be provided.

- d) The requirements of this Section do not apply to remediation waste management sites unless they are part of a facility subject to a permit for treating, storing, or disposing of hazardous wastes that are not remediation wastes.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART G: CLOSURE AND POST-CLOSURE CARE

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 724.210 Applicability

Except as Section 724.101 provides otherwise:

- a) Section 724.211 through 724.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and
- b) Sections 724.216 through 724.220 (which concern post-closure care) apply to the owners and operators of:
- 1) All hazardous waste disposal facilities; or
 - 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.216 through 724.220 these sections are made applicable to such facilities in Sections 724.328 or 724.358; and
 - 3) Tank systems which are required under Section 724.297 to meet the requirements for landfills; or
 - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills; and-

- c) The Board will or the Agency shall establish alternative requirements that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards referenced in Section 724.211(c) applying to a regulated unit), as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and

- 2) It is not necessary to apply the closure requirements of this Subpart G (and those referenced herein) because the alternative requirements will adequately protect human health and the environment and will satisfy the closure performance standard of Section 724.211(a) and (b).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 724.212 Closure Plan; Amendment of Plan

- a) Written plan plan.

- 1) The owner or operator of a hazardous waste management facility shall have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.

- 2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701, and 724.1102. Until final closure is completed and certified in accordance with Section 724.215, a copy of the approved plan and all approved revisions must be furnished to the Agency upon request, including request by mail.

- b) Content of plan. The plan must identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:
 - 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211; and
 - 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and

- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of off-site hazardous waste management units to be used, if applicable; and

- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and

- 5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and

- 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.); and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure; and-
- 8) For facilities where alternative requirements are established by the Board or Agency at a regulated unit under Section 724.190(f), 724.210(d), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the Board order or Agency permit establishing those alternative requirements.

- c) Amendment of the plan. The owner or operator shall submit a written notification of request for a permit modification to authorize a change in operating plans, facility design or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703 and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.
 - 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.
 - 2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:
 - A) Changes in operating plans or facility design affect the closure plan; or
 - B) There is a change in the expected year of closure, if applicable; or
 - C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan; or

- D) The owner or operator requests the Board or Agency to establish alternative requirements, as provided under 35 Ill. Adm. Code 703.161, to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).

- 3) The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under Section 724.328(c)(1)(A) or 724.358(c)(1)(A), shall submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency shall approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.

4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator shall submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705.

d) Notification of partial closure and final closure.

1) The owner or operator shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

2) The date when the owner or operator "expects to begin closure" must be either:

A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit. *05-987*

B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit.

3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board order, to cease receiving hazardous wastes or to close, then the requirements of this subsection do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in Section 724.213.

e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 724.218 Post-Closure Care -closure Plan; Amendment of Plan

a) Written Plan. The owner or operator of a hazardous waste disposal unit shall have a written post-closure care plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by Sections 724.328(c)(1)(B) and 724.358(c)(1)(B) to have contingent post-closure care plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure care plans under Section 724.328(c)(1)(B) or 724.358(c)(1)(B) shall submit a post-closure care plan to the Agency within 90 days from the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Sections 724.217 through 724.220. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a condition of any RCRA permit issued.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities that will be carried on after closure and the frequency of these activities, and include at least:

1) A description of the planned monitoring activities and frequencies which they will be performed to comply with Subparts F, K, L, M, N₁ and X during the post-closure care period;⁷

2) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

- A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts F, K, L, M, and N₁ and X; and
- B) The function of the facility monitoring equipment in accordance with the requirements of Subparts F, K, L, M, N₁ and X;⁷ and

3) The name, address, and phone number of the person or office to contact about the hazardous disposal unit during the post-closure care period.

4) For a facility where the Board or the Agency has established alternative requirements at a regulated unit under Section 724.190(f), 724.210(d), or 724.240(d), as provided under 35 Ill. Adm. Code 703.167, either the alternative requirements that apply to the regulated unit, or a reference to the Board order or Agency permit establishing those requirements.

- c) Until final closure of the facility, a copy of the approved post-closure care plan must be furnished to the Agency upon request, including request by mail. After final closure has been certified, the person or office specified in subsection (b)(3) shall keep the approved post-closure care plan during the remainder of the post-closure care period.

d) Amendment of plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan in accordance with the applicable requirements of 35 Ill. Adm. Code 703 and 705. The written notification or request must include a copy of the amended post-closure care plan for review or approval by the Agency.

1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period.

2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan whenever any of the following occurs:

- A) Changes in operating plans or facility design affect the post-closure care plan; or
- B) There is a change in the expected year of closure if applicable; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) Events occur during the active life of the facility, including partial and final closures that r-which affect the approved post-closure care plan; or
- D) The owner or operator requests the Board or Agency to establish alternative requirements to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).

- 3) The owner or operator shall submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post-closure care plan under Section 724.328(c)(1)(B) or 724.358(c)(1)(B) shall submit a post-closure plan to the Agency no later than 90 days after the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410. The Agency shall approve, disapprove, or modify this plan in accordance with the procedure in 35 Ill. Adm. Code 703 and 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a permit condition.
- 4) The Agency may request modifications to the plan under the conditions described in subsection (d)(2). The owner or operator shall submit the modified plan no later than 60 days after the request, or no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure care plan. Any modifications requested by the Agency shall be approved, disapproved, or modified in accordance with the procedure in 35 Ill. Adm. Code 703 and 705.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART H: FINANCIAL REQUIREMENTS

Section 724.240 Applicability

- a) The requirements of Sections 724.242, 724.243, and 724.247 through 724.251 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 724.101.

- b) The requirements of Sections 724.244 and 724.245 apply only to owners and operators of:
- 1) Disposal facilities; or
 - 2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.244 and 724.245 these-sections are made applicable

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- to such facilities in Sections 724.326 and 724.358; or
- 3) Tank systems which are required under Section 724.297 to meet the requirements for landfills; or
 - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills.
- c) States and Federal ~~Federal~~ government are exempt from the requirements of this Subpart.

d) The Board will establish alternative requirements that replace all or part of the financial assurance requirements of this Subpart H applying to a regulated unit, as provided in 35 Ill. Adm. Code 703.161, where the Board has done the following:

- 1) The Board has established alternative requirements for the regulated unit established under Section 724.190(f) or 724.210(d); and
- 2) The Board determines that it is not necessary to apply the financial assurance requirements of this Subpart H because the alternative financial assurance requirements will adequately protect human health and the environment.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section 724.652 Corrective Action Management Units

- a) For the purpose of implementing To implement remedies under Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit, as defined in 35 Ill. Adm. Code 720.110 726-i9, in accordance with the requirements of this Section. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

- 1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.
- 2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

b) Designation of a CAMU.

- 1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if:
 - A) The regulated unit is closed or closing, meaning it has begun the closure process under Section 724.213 or 35 Ill. Adm. Code 725.213; and
 - B) Inclusion of the regulated unit will enhance implementation

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- of effective, protective, and reliable remedial actions for the facility.

- 2) The requirements of Subparts F, G, and H and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

c) The Agency shall designate a CAMU in accordance with the following factors:

- 1) The CAMU shall facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
- 2) Waste management activities associated with the CAMU shall not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
- 3) The CAMU shall include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
- 4) Areas within the CAMU where wastes remain in place after its closure shall be managed and contained so as to minimize future releases to the extent practicable;
- 5) The CAMU shall expedite the timing of remedial activity implementation, when appropriate and practicable;
- 6) The CAMU shall enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
- 7) The CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

d) The owner or operator shall provide sufficient information to enable the Agency to designate a CAMU in accordance with the standards of this Section.

e) The Agency shall specify in the permit the requirements applicable to a CAMU, including the following:

- 1) The areal configuration of the CAMU.
- 2) Requirements for remediation waste management, including the specification of applicable design, operation, and closure requirements.
- 3) Requirements for groundwater monitoring that are sufficient to:
 - A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and
 - B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

CAMU in which wastes will remain in place after closure of the CAMU.

A) Closure of a CAMU shall:

- i) Minimize the need for further maintenance; and
- ii) Control, minimize, or eliminate, to the extent necessary to adequately protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

B) Requirements for closure of a CAMU shall include the following, as appropriate:

- i) Requirements for excavation, removal, treatment, or containment of wastes;
 - ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and
 - iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.
- C) In establishing specific closure requirements for a CAMU under this subsection (c), the Agency shall consider the following factors:

- i) The characteristics of the CAMU;
 - ii) The volume of wastes that remain in place after closure;
 - iii) The potential for releases from the CAMU;
 - iv) The physical and chemical characteristics of the waste;
 - v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
 - vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Post-closure care requirements as necessary to adequately protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities and the frequency with which such activities shall be performed to ensure the integrity of any cap, final cover, or other containment system.
- E) The Agency shall document the rationale for designating the CAMU and shall make such documentation available to the public.
- 9) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- h) The designation of a CAMU does not change the Agency's existing authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decision.

BOARD NOTE: USEPA Revised from 40 CFR 264.552 (1992) as added at 58 Fed. Reg. 8669 (Feb. 16, 1993) -- U.S.-BPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the Federal provision became immediately effective in Illinois, and until USEPA U.S.-BPA authorizes this Illinois provision, an owner or operator must seek CAMU authorization from USEPA U.S.-BPA Region V, as well as authorization from the Agency under this provision.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 724.653 Temporary Units

- a) For temporary tanks and container storage areas used to treat or store for treatment or storage of hazardous remediation wastes, during remedial activities required under Section 724.201 or RCRA section 3008(h), or at a permitted facility that is not subject to Section 724.201, the Agency may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the temporary unit originated. For temporary units, the Agency may replace the design, operating, or closure standards applicable to these units under this Part 724 or 35 Ill. Adm. Code 725 with alternative requirements that adequately protect human health and the environment. shall establish alternative requirements pursuant to this Section if it determines that a design operating or closure standard applicable to such units may be replaced by alternative requirements that are equally as protective of human health and the environment as would be the standard of this Part or of 35 Ill. Adm. Code 725 if applied.
- b) Any temporary unit to which alternative requirements are applied in accordance with subsection (a) shall be:
- 1) Located within the facility boundary; and
 - 2) Used only for treatment or storage of remediation wastes.
- c) In establishing alternative requirements to be applied to a temporary unit, the Agency shall consider the following factors:
- 1) The length of time such unit will be in operation;
 - 2) The type of unit;
 - 3) The volumes of wastes to be managed;
 - 4) The physical and chemical characteristics of the wastes to be managed in the unit;
 - 5) The potential for releases from the unit;
 - 6) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- releases; and
- 7) The potential for exposure of humans and environmental receptors if releases were to occur from the unit.
- d) The Agency shall specify in the permit the length of time a temporary unit will be allowed to operate, which shall be no longer than one year. The Agency shall also specify the design, operating, and closure requirements for the unit.
- e) The Agency may extend the operational period of a temporary unit once, for no longer than a period of one year beyond that originally specified in the permit, if the Agency determines that:
- 1) Continued operation of the unit will not pose a threat to human health and the environment; and
 - 2) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.
- f) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit shall be:
- 1) Approved in accordance with the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273; or
 - 2) Requested by the owner/operator as a Class 2 modification according to the procedures under 35 Ill. Adm. Code 703.283.
- g) The Agency shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

BOARD NOTE: USEPA Derived from 40-cfr-264-553-(1992)-as-added-at-58 Fed-Reg-8684-(Feb-16-1993)-8-5-8-BPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until USEPA 8-5-BPA authorizes this Illinois provision, an owner or operator must seek TU authorization from USEPA 8-5-BPA Region V, as well as authorization from the Agency under this provision.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 724.654 Staging Piles

This Section is written in a special format to make it easier to understand the regulatory requirements. Like all other regulations, this Section establishes enforceable legal requirements.

- a) What is a staging pile? A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) When may an owner or operator use a staging pile? An owner or operator may use a staging pile to store hazardous remediation waste for remediation waste otherwise subject to land disposal restrictions, only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency shall designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency shall establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k) of this Section.
- c) What information must an owner or operator provide to get a staging pile designated? When seeking a staging pile designation, an owner or operator shall provide:
- 1) Sufficient and accurate information to enable the Agency to impose standards and design criteria for the facility's staging pile according to subsections (d) through (k) of this Section;
 - 2) Certification by an independent, qualified, registered professional engineer of technical data, such as design drawings and specifications, and engineering studies, unless the Agency determines, based on information that an owner or operator provides, that this certification is not necessary to ensure that a staging pile will adequately protect human health and the environment; and
 - 3) Any additional information the Agency determines is necessary to adequately protect human health and the environment.
- d) What performance criteria must a staging pile satisfy? The Agency shall establish the standards and design criteria for the staging pile in the permit, closure plan, or order.
- 1) The standards and design criteria must comply with the following:
 - A) The staging pile must facilitate a reliable, effective, and protective remedy;
 - B) The staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or adequately control cross-media transfer, as necessary to adequately protect human health and the environment (for example, through the use of liners, covers, or run-off/run-on controls, as appropriate); and
 - C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension under subsection (i) of this Section. An owner or operator shall measure the two-year limit or other operating term specified by the Agency in the permit, closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator shall maintain a record of the date when it first placed the remediation waste into the staging pile for the life of the permit, closure plan, or order, or for the three years,

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- which ever is longer.
- 2) In setting the standards and design criteria, the Agency shall consider the following factors:
- The length of time the pile will be in operation;
 - The volumes of wastes the owner or operator intends to store in the pile;
 - The physical and chemical characteristics of the wastes to be stored in the unit;
 - The potential for releases from the unit;
 - The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
 - The potential for human and environmental exposure to potential releases from the unit.
- e) May a staging pile receive ignitable or reactive remediation waste? An owner or operator shall not place ignitable or reactive remediation waste in a staging pile unless:
- The owner or operator has treated, rendered, or mixed the remediation waste before it placed the waste in the staging pile so that the following is true of the waste:
 - The remediation waste no longer meets the definition of ignitable or reactive under 35 Ill. Adm. Code 721.121 or 721.123; and
 - The owner or operator has complied with Section 724.117(b); or
 - An owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.
- f) How does an owner or operator handle incompatible remediation wastes in a staging pile? The term "incompatible waste" is defined in 35 Ill. Adm. Code 720.110. An owner or operator shall comply with the following requirements for incompatible wastes in staging piles:
- An owner or operator shall not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);
 - If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), an owner or operator shall separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and
 - An owner or operator shall not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with Section 724.117(b).
- g) Are staging piles subject to Land Disposal Restrictions (LDR) and federal Minimum Technological Requirements (MTR)? No. Placing hazardous remediation wastes into a staging pile does not constitute

land disposal of hazardous wastes or create a unit that is subject to the federal minimum technological requirements of RCRA 3004(o), 42 USC 6924(o).

b) How long may an owner or operator operate a staging pile? The Agency may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. An owner or operator shall use a staging pile no longer than the length of time designated by the Agency in the permit, closure plan, or order (the "operating term"), except as provided in subsection (i) of this Section.

i) May an owner or operator receive an operating extension for a staging pile?

- The Agency may grant one operating term extension of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order (see subsection (i) of this Section for modification procedures). To justify the need for an extension, an owner or operator shall provide sufficient and accurate information to enable the Agency to determine that the following is true of continued operation of the staging pile:
 - Continued operation will not pose a threat to human health and the environment; and
 - Continued operation is necessary to ensure timely and efficient implementation of remedial actions at the facility.
 - The Agency shall, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as necessary, to ensure protection of human health and the environment.
- j) What is the closure requirement for a staging pile located in a previously contaminated area?
- Within 180 days after the operating term of the staging pile expires, an owner or operator shall close a staging pile located in a previously contaminated area of the site by removing or decontaminating all of the following:
 - Remediation waste;
 - Contaminated containment system components; and
 - Structures and equipment contaminated with waste and leachate.
 - An owner or operator shall also decontaminate contaminated subsols in a manner and according to a schedule that the Agency determines will adequately protect human health and the environment.
 - The Agency shall include the above requirements in the permit, closure plan, or order in which the staging pile is designated.
- k) What is the closure requirement for a staging pile located in an uncontaminated area?
- Within 180 days after the operating term of the staging pile expires, an owner or operator shall close a staging pile located

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in an uncontaminated area of the site according to Sections 724.358(a) and 724.211 or according to 35 Ill. Adm. Code 725.358(a) and 725.211.

2) The Agency shall include the above requirements in the permit, closure plan, or order in which the staging pile is designated.

1) How may a existing permit (for example, RAP), closure plan, or order be modified to allow an owner or operator to use a staging pile?

1) To modify a permit, other than a RAP, to incorporate a staging pile or staging pile operating term extension, either of the following must occur:

A) The Agency shall approve the modification under the procedures for Agency-initiated permit modifications in 35 Ill. Adm. Code 703.270 through 703.273; or

B) An owner or operator shall request a Class 2 modification under 35 Ill. Adm. Code 703.280 through 703.283.

2) To modify a RAP to incorporate a staging pile or staging pile operating term extension, an owner or operator shall comply with the RAP modification requirements under 35 Ill. Adm. Code 703.304(a) and (b).

3) To modify a closure plan to incorporate a staging pile or staging pile operating term extension, an owner or operator shall follow the applicable requirements under Section 724.212(c) or 35 Ill. Adm. Code 725.212(c).

4) To modify an order to incorporate a staging pile or staging pile operating term extension, an owner or operator shall follow the terms of the order and the applicable provisions of 35 Ill. Adm. Code 703.155(a)(5) or (b)(5).

m) Is information about the staging pile available to the public? The Agency shall document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

(Source: Added at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

2) Code citation: 35 Ill. Adm. Code 726

3) Section Numbers:
726.180
726.200
Proposed Action:
Amended

4) Statutory authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of April 8, 1999, proposing amendments in docket R99-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 USEPA withdrew segments of a May 6, 1998 (July 14, 1998) direct final rule that drew adverse comment.

63 Fed. Reg. 42109 USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste. (August 6, 1998)

63 Fed. Reg. 42580 USEPA adopted corrections to the May 4, 1998, (August 10, 1998) organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

63 Fed. Reg. 46331
(August 31, 1998)

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356
(October 9, 1998)

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow States to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371
(November 19, 1998)

USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110)), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 19, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110)), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 726 implement segments of the federal August 6, 1998, petroleum waste listings and land disposal restrictions and the December 24, 1998, universal waste rule corrective and clarifying amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first-notice or to second-notice review by JC&R.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 726 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates already imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R99-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chicago, IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order in docket R99-15 from Patricia Jones at 312-814-3620.

2) Initial regulatory feasibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF

SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES

OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C: RECYCLABLE MATERIALS USED IN A

MANNER CONSTITUTING DISPOSAL

Section

726.120

Applicability
Standards applicable to generators and transporters of materials used in a manner that constitutes disposal

726.122
Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal

726.123
Standards Applicable to Users of Materials that are Used in a Manner that Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section

726.130

Applicability (Repealed)
Prohibitions (Repealed)

726.131
Standards applicable to generators of hazardous waste fuel (Repealed)

726.132
Standards applicable to transporters of hazardous waste fuel (Repealed)

726.133
Standards applicable to marketers of hazardous waste fuel (Repealed)

726.134
Standards applicable to burners of hazardous waste fuel (Repealed)

726.135
Standards applicable to burners of hazardous waste fuel (Repealed)

726.136
Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section

726.140

Applicability (Repealed)
Prohibitions (Repealed)

726.141
Standards applicable to generators of used oil burned for energy recovery (Repealed)

726.142
Standards applicable to marketers of used oil burned for energy recovery (Repealed)

726.143
Standards applicable to burners of used oil burned for energy recovery (Repealed)

726.144
Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

PRECIOUS METAL RECOVERY

Section
726.170 Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES
BEING RECLAIMED

Section
726.180 Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section
726.200 Applicability
726.201 Management prior to Burning
726.202 Permit standards for Burners
726.203 Interim Status Standards for Burners
726.204 Standards to Control Organic Emissions
726.205 Standards to control PM
726.206 Standards to Control Metals Emissions
726.207 Standards to control HCl and Chlorine Gas Emissions
726.208 Small quantity On-site Burner Exemption
726.209 Low risk waste Exemption
726.210 Waiver of DRE trial burn for Boilers
726.211 Standards for direct Transfer
726.212 Regulation of Residues
726.219 Extensions of Time

SUBPART M: MILITARY MUNITIONS

Section
726.300 Applicability
726.301 Definitions
726.302 Definition of Solid Waste
726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions
726.304 Standards Applicable to Emergency Responses
726.305 Standards Applicable to the Storage of Solid Waste Military Munitions
726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions

APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
APPENDIX B Tier I Feed Rate Screening Limits for Total Chlorine
APPENDIX C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Reference Air Concentrations

APPENDIX D Risk Specific Doses

APPENDIX E Stack Plume Rise

APPENDIX F Health-Based Limits for Exclusion of Waste-Derived Residues

APPENDIX G Potential PICs for Determination of Exclusion of Waste-Derived Residues

APPENDIX H Methods Manual for Compliance with BIF Regulations

APPENDIX I Guideline on Air Quality Models

APPENDIX J Lead-Bearing Materials That May be Processed in Exempt Lead Smelters

APPENDIX K Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces

APPENDIX L Mercury-Bearing Wastes That May be Processed in Exempt Mercury Recovery Units

TABLE A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended at 23 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART G: SPENT LEAD-ACID BATTERIES
BEING RECLAIMED

Section 726.180 Applicability and requirements

- a) Are spent lead-acid batteries exempt from hazardous waste management requirements? If an owner or operator generates, collects, transports, stores, or regenerates lead-acid batteries for reclamation purposes, the owner or operator may be exempt from certain hazardous

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

waste management requirements. Use the following table to determine which requirements apply to the owner or operator. Alternatively, the owner or operator may choose to manage its spent lead-acid batteries under the "Universal Waste" rule in 35 Ill. Adm. Code 723.

If the batteries...	And if an owner or operator...	Then an owner or operator...	And an owner or operator...
(1) Will be reclaimed through regeneration (such as by electrolyte replacement)	is exempt from 35 Ill. Adm. Code 702/703/705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, 728, and the notification requirements at section 3010 of RCRA	is exempt from 35 Ill. Adm. Code 702/703/705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, 728, and the notification requirements at section 3010 of RCRA	is subject to 35 Ill. Adm. Code 721 and 722.111
(2) Will be reclaimed other than through regeneration	generates, collects, or transports these batteries	is exempt from 35 Ill. Adm. Code 702/703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, and the notification requirements at section 3010 of RCRA	is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728
(3) Will be reclaimed other than through regeneration	stores these batteries but the owner or operator is not the reclaimer	is exempt from 35 Ill. Adm. Code 702/703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, and the notification requirements at section 3010 of RCRA	is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(4) Will be reclaimed other than through regeneration	stores these batteries before the owner or operator reclaims them	shall comply with 35 Ill. Adm. Code 726.180(b) and, as appropriate, other regulatory provisions under 35 Ill. Adm. Code 728	is subject to 35 Ill. Adm. Code 721 and 262.11 and applicable provisions under 35 Ill. Adm. Code 728
(5) Will be reclaimed other than through regeneration	does not store these batteries before the owner or operator reclaims them	is exempt from 35 Ill. Adm. Code 702/703/705/722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, and the notification requirements at section 3010 of RCRA	is subject to 35 Ill. Adm. Code 721 and 262.11 and applicable provisions under 35 Ill. Adm. Code 728
m†	The regulations of this Subpart apply to a person that recycles (including regeneration) spent lead-acid batteries that are recyclable materials (ascent batteries). A person that generates, transports or collects spent batteries or that stores spent batteries (other than spent batteries that are to be regenerated) but one that does not reclaim the batteries is not subject to regulation under 35 Ill. Adm. Code 722 through 726 or 35 Ill. Adm. Code 702/703/705 or 705 and also is not subject to the requirements of Section 3010 of the Resource Conservation and Recovery Act.	If an owner or operator stores spent lead-acid batteries before it reclaims them but not through regeneration, which requirements apply? The requirements of subsection (b) of this Section apply to an owner or operator if the owner or operator stores spent lead-acid batteries before it reclaims them, but the owner or operator does not reclaim them through regeneration. The requirements are slightly different depending on the owner's or operator's RCRA permit status. Owners or operators of facilities that store spent batteries before reclaiming the batteries (other than spent batteries that are to be regenerated) are subject to the following requirements:	
b†	1) For an interim status facility, the owner or operator shall comply with the following requirements: A)† The notification Notification requirements under Section 3010 of the Resource Conservation and Recovery Act (RCRA). B) All applicable provisions in 35 Ill. Adm. Code 725, Subpart A. C) All applicable provisions in 35 Ill. Adm. Code 725, Subpart A		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- except 35 Ill. Adm. Code 725.113 (waste analysis).
- D) All applicable provisions in 35 Ill. Adm. Code 725.Subparts C and D.
- E) All applicable provisions in 35 Ill. Adm. Code 725.Subpart E except 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies).
- F) All applicable provisions in 35 Ill. Adm. Code 725.Subparts F through L.
- 2) ~~All applicable provisions in 35 Ill. Adm. Code 724.Subparts A-B (but not 35 Ill. Adm. Code 724.113 (waste analysis))~~ ~~but not 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies))~~ ~~and F through G~~
- 3) ~~All applicable provisions in 35 Ill. Adm. Code 725.Subparts A-B (but not 35 Ill. Adm. Code 725.113 (waste analysis))~~ ~~but not 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies))~~ ~~and F through G~~
- G) All applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.
- 2) For a permitted facility, the following requirements:
- A) The notification requirements under section 3010 of RCRA.
- B) All applicable provisions in 35 Ill. Adm. Code 724.Subpart A.
- C) All applicable provisions in 35 Ill. Adm. Code 724.Subpart B (but not 35 Ill. Adm. Code 724.113 (waste analysis)).
- D) All applicable provisions in 35 Ill. Adm. Code 724.Subparts C and D.
- E) All applicable provisions in 35 Ill. Adm. Code 724.Subpart E (but not 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies)).
- F) All applicable provisions in 35 Ill. Adm. Code 724.Subparts F through L.
- G) All applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.
- c) ~~Spent lead-acid batteries that are not managed under this Part, are subject to management under 35 Ill. Adm. Code 733-~~
- (Source: Amended at 23 Ill. Reg. _____, effective _____.)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.200 Applicability

- a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d), and (f)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of this Section below. In this Subpart, the term "burn" means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

- b) The following hazardous wastes and facilities are not subject to regulation under this Subpart:

- 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C. Such used oil is subject to regulation under 35 Ill. Adm. Code 739, rather than this Subpart;
- 2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
- 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.1104 and 721.106(a)(3)(C) and (a)(3)(D) 721.106(a)(3)(F) through (a)(3)(F) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
- 4) Coke ovens, if the only hazardous waste burned is USEPA 6-8-BPA hazardous waste no. K087 decanter tank tar sludge from coking operations.

- c) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.

- 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3) of this Section below:

- A) Provide a one-time written notice to the Agency indicating the following:

- i) The owner or operator claims exemption under this subsection;
- ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) of this Section below;
- iii) The hazardous waste contains recoverable levels of metals; and
- iv) The owner or operator will comply with the sampling

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and analysis and recordkeeping requirements of this subsection;

B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, or incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and BTU value of the waste, and levels of recoverable metals in the hazardous waste compared to normal non-hazardous nonhazardous waste feedstocks.

2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721.Appendix H exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) of this Section above; or

B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) of this Section above.

3) To be exempt from Sections 726.202 through 726.211, and owner or operator of a lead, nickel-chromium, or mercury recovery furnace or a metal recovery furnace that burns a baghouse bags used to capture metallic dusts emitted by steel manufacturing shall must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1) of this Section above. The owner or operator shall comply with the requirements of subsection (c)(1)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of this Section above for those wastes claimed to be exempt under that subsection and with the following requirements for those wastes claimed to be exempt under this subsection:

A) The hazardous wastes listed in Sections 726-Appendices K, L, and M of this Part and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1) of this Section above, provided that:

i) A waste listed in Section 726-Appendix K of this Part must contain recoverable levels of lead; a waste listed in Section 726-Appendix L of this Part must contain recoverable levels of nickel or chromium, a waste listed in Section 726-Appendix M of this Part must contain recoverable levels of mercury and contain less than that 500 ppm of 35 Ill. Adm. Code 261.Appendix H organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;

ii) The waste does not exhibit the Toxicity Characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;

iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D because it is listed for an organic constituent, as identified in 35 Ill. Adm. Code 721.Appendix G; and

iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) of this Section above and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (c)(1)(B) of this Section above, and records to document compliance with subsection Section (c)(3) of this Section above must be kept for at least three years.

B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Section 726-Appendix K, 726-Appendix L, or 726-Appendix M of this Part that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721.Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

In making the hazard determination, the Agency shall consider the following factors:

- i) The concentration and toxicity of organic constituents in the material;
 - ii) The level of destruction of toxic organic constituents provided by the furnace; and
 - iii) Whether the acceptable ambient levels established in Section 726-Appendix D or E of this Part will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.
- d) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.
- e) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.
- f) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals are conditionally exempt from regulation reg-station under this Subpart, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator shall:

- 1) Provide a one-time written notice to the Agency indicating the following:

- A) The owner or operator claims exemption under this Section,
- B) The hazardous waste is burned for legitimate recovery of precious metal, and
- C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;

- 2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
- 3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

- g) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium, and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor that continuously samples the regulated parameter without interruption, that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"cu-m-or-m(3)" means cubic meters.

"E" means "ten to the power". For example, "XE-Y" means "X times ten to the -Y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by 40 CFR 51.100(f)(1), incorporated by reference in 35 Ill. Adm. Code 720.111.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium, and silver.

"One hour block average" means the arithmetic mean of the one

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour.

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"PORC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Section-726-Appendix D of this Part.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Section-726-Appendix E of this Part.

"SSU" means "Saybolt Seconds Universal", a unit of viscosity measured by ASTM D 86-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"TSSH" means terrain-adjusted effective stack height (in meters).

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzop-dioxin and Dibenzofuran Congeners" in Section-726-Appendix I of this Part.

"ug" means microgram.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

- 1) **Heading of the Part:** Standards For Universal Waste Management
- 2) **Code citation:** 35 Ill. Adm. Code 733
- 3) **Section Numbers:**
733.106
Proposed Action:
Amended
- 4) **Statutory authority:** 415 ILCS 5/22.4, 22.23a, and 27
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of April 8, 1999, proposing amendments in docket R99-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780
(July 14, 1998)

USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment.

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

- 63 Fed. Reg. 46331
(August 31, 1998)
- USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.
- 63 Fed. Reg. 47409
(September 4, 1998)
- USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbonate wastes and waste constituents.
- 63 Fed. Reg. 48124
(September 9, 1998)
- USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.
- 63 Fed. Reg. 51253
(September 24, 1998)
- USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.
- 63 Fed. Reg. 54356
(October 9, 1998)
- USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 64371
(November 19, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbonate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25497) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 733 implement segments of the federal December 24, 1998, universal waste rule corrective and clarifying amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 733 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates already imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R99-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order in docket R99-15 from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS *

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 733

STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section	Scope	Small	Exempt	Quantity
733.101	Applicability--Batteries			
733.102	Applicability--Pesticides			
733.103	Applicability--Mercury Thermostats			
733.104	Applicability--Household and Conditionally			
733.105	Generator Waste			
733.106	Definitions			
733.107	Applicability--Mercury-Containing Lamps			

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section	Applicability
733.110	Prohibitions
733.111	Notification
733.112	Waste Management
733.113	Labeling and Marking
733.114	Accumulation Time Limits
733.115	Employee Training
733.116	Response to Releases
733.117	Off-Site Shipments
733.118	Tracking Universal Waste Shipments
733.119	Exports

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section	Applicability
733.130	Prohibitions
733.131	Notification
733.132	Waste Management
733.133	Labeling and Marking
733.134	Accumulation Time Limits
733.135	Employee Training
733.136	Response to Releases
733.137	Off-Site Shipments
733.138	Tracking Universal Waste Shipments
733.139	

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

733.140 Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	Applicability
733.150	Prohibitions
733.151	Waste Management
733.152	Accumulation Time Limits
733.153	Response to Releases
733.154	Off-site Shipments
733.155	Exports
733.156	

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	Applicability
733.160	Off-Site Shipments
733.161	Tracking Universal Waste Shipments
733.162	

SUBPART F: IMPORT REQUIREMENTS

Section	Imports
733.170	

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section	General
733.180	Factors for Petitions to Include Other Wastes
733.181	

AUTHORITY: Implementing Sections 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4, 22.23a, and 27].

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended at 23 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 733.106 Definitions

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

"Electric lamp" means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum.

BOARD NOTE: The definition of "electric lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 495e-Sections 136 through - 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

BOARD NOTE: Mercury-containing lamps were added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FDCA; 21 USC 360-Section 321(v)), incorporated by reference in Section 720.111,

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FDCA Section 360b(j), incorporated by reference in Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FDCA Section 201(v) (21 USC 360-Section 321(v)), incorporated by reference in Section 720.111 that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 495e-Section 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate more than 5,000 kilograms of more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time.

BOARD NOTE: Mercury-containing lamps were added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Thermostats, as described in Section 733.104; and

Mercury-containing lamps, as described in Section 733.107.
BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hearing Screening

2) Code Citation: 77 Ill. Adm. Code 675

3) Section Numbers:
675.10 Proposed Action:
675.20 Amendment
675.30 New Section
675.100 Amendment
675.110 Amendment
675.120 Amendment
675.130 Amendment
675.140 Amendment
675.200 Amendment

4) Statutory Authority: Authorized by and implementing the Child Vision and Hearing Test Act [410 ILCS 205].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update the Department's rules governing a program of hearing screening services for Illinois children to current standards of practice. Standards and procedures for hearing screening are being updated to require audiometers to meet ANSI 3.6 (1996). A revised frequency of screening schedule is included and specifies that hearing screening services shall be provided for children in grades K, 1, 2, and 8, and additionally those children in special education classes, who are referred by teachers, or who are transfer students. The screening frequencies are also revised. Changes to the screening schedule and the screening frequencies were developed with input from the Children's Hearing Services Advisory Committee that serves in an advisory capacity to the Department.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Ms. Gail M. Devito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@dph.state.il.us

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: None
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
None
- C) Types of Professional Skills Necessary for Compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the most recent regulatory agenda because: The decision to propose this rulemaking had not been made when the Regulatory Agenda was finalized.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: VISION AND HEARING

PART 675
HEARING SCREENING

SUBPART A: AUTHORITY, APPLICABILITY AND
DEFINITIONS

Section	Applicability
675.10	Definitions
675.20	Incorporated Materials
675.30	

SUBPART B: STANDARDS, PROCEDURES, TECHNIQUES
AND CRITERIA FOR HEARING SCREENING

Section	Instrumentation
675.100	Frequency of Screening
675.110	Identification Audiometry
675.120	Referral Criteria
675.130	
675.140	Referral

SUBPART C: GENERAL STANDARDS FOR TRAINING AND QUALIFICATIONS
OF FOR PERSONNEL TO PROVIDE HEARING SCREENING
SERVICES

Section	Hearing Screening Personnel
675.200	Application for Training and Certification
675.210	Training for Hearing Screening Technicians
675.220	Certification of Hearing Screening Technicians
675.230	Recertification of Hearing Screening Technicians
675.240	Lapsed Certificates
675.250	

SUBPART D: FEE STRUCTURE

Section	Fees
675.300	

AUTHORITY: Authorized by and implementing the Child Vision and Hearing Test Act (410 ILCS 205).

SOURCE: Adopted and codified at 6 Ill. Reg. 10998, effective August 30, 1982; amended at 23 Ill. Reg. 4270, effective March 26, 1999; amended at 23 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

placement, classroom functioning level, achievement scores, teachers' ratings of classroom performance regarding attention and concentration, reading, arithmetic, spelling, oral language and written language skills; and teachers' descriptions of oral and written language performance, ability to hear in the classroom, and speech development.

"Hearing Screening Services" means on-going programs of: community community education regarding the identification, prevention, cause, nature and effects of hearing impairments, program planning, management, evaluation, reporting, identification, identification audiometry, referral, and follow-up and--Referral procedures.

"Physician" means any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (225 ILCS 60).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 675.30 Incorporated Materials

a) The following document is incorporated in this Part:

ANSI 3.6, 1996 (ASA81)
Specifications for Audiometers
American National Standards Institute
1430 Broadway
New York, New York 10018, or
ASA Standards Distribution Center
1650 Bluegrass Lakes Parkway
Alpharetta GA 30239-6996

b) This incorporation by reference refers to the materials on the date specified.

c) Copies of the incorporated document are available for inspection and duplication by the public at the Department's Central Office, Office of Health and Wellness, Division of Health Assessment and Screening, 535 West Jefferson Street, Springfield, Illinois 62761.

(Source: Added at 23 Ill. Reg. _____, effective _____)

SUBPART B: STANDARDS, PROCEDURES, TECHNIQUES
AND CRITERIA FOR HEARING SCREENING

Section 675.100 Instrumentation

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

SUBPART A: AUTHORITY, APPLICABILITY AND DEFINITIONS

Section 675.10 Applicability

a) The Child Vision and Hearing Test Act authorizes the Department to administer a program of hearing screening services for Illinois children. The Act requires hearing screening services to be administered to all children by certified hearing screening technicians or licensed audiologists requires--hearing--screening services--be--administered--to--all--children--these--rules--apply--to hearing--screening--services--required--under--that--Act.

b) The Department shall delegate responsibility to other State agencies, local health departments, school districts, or other community agencies, to develop and maintain periodic vision and hearing screening services. The Department shall make such delegations in conformance with existing services and with the agreement approval of the entity receiving the delegation.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 675.20 Definitions

As used in this Part these--rules, the terms defined in this Section section shall have the meanings ascribed to them herein.

"Act" means the Child Vision and Hearing Test Act (410 ILCS 205).

"Audiological Review" means a review of hearing screening results by an audiologist.

"Audiologist" means any person licensed to provide audiology services as provided in the Illinois Speech-Language Pathology and Audiology Practice Act (225 ILCS 110).

"Calibration Check" means a listening and visual observation and an electro-acoustic evaluation of the audiometer to include frequency count, attenuator linearity, and earphone sound pressure level output.

"Certified Hearing Screening Technician" means a person who has successfully completed the requirements of the training, written examination and practicum evaluation provided through the Department and who holds a valid Hearing Screening Technician Certificate issued by the Department.

"Department" means the Illinois Department of Public Health.

"Educational Screening" means a review of the student's current grade

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- a) Pure-tone audiometers utilized for identification audiometry must comply with minimum specifications established by the American National Standards Institute as published in the American National Standard Specifications for Audiometers. (ANSI 3.6 1996) (ANSI 53-6-1969)
- b) Pure-tone audiometers utilized for identification audiometry must undergo an electro-acoustic coupler calibration check a minimum of once per calendar year. The electro-acoustic calibration check shall include the following measurements:
- 1) frequency count;
 - 2) attenuator linearity; and
 - 3) earphone sound pressure level output.
- c) An annual this calibration check services program may be service-is-to be--supervised--and provided through--programs--developed by the Department. Any audiometer that does not meet ANSI 3.6 (1996) and/or does not pass the listening or visual check is required to be calibrated and/or repaired by a dealer or manufacturer who has technical knowledge and experience in repair and maintenance of audiometric equipment. y-as--provided--for--in--the--Department's Audiometer--Calibration-Standards-which-are-on-file-with-the-Secretary of-State

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 675.110 Frequency of Screening

- a) Hearing screening services shall be provided annually for all preschool children three years of age or older in any public or private educational program or licensed child care facility.
- b) Hearing screening services in--public--independent--private--and parochial--schools shall be provided annually for all school age children who are in grades K (kindergarten), 1, 2, and 8; are in any special education class; have been referred by a teacher; or are transfer students 3y--and--after--grade--3--for--teacher-referrals--and students--transferring--into--schools--who--have--not--been--previously screened. Such screening services shall be provided in all public, independent, private and parochial schools. Hearing screening is recommended in grades 4, 6, 10 and 12.
- c) In lieu of the screening services required in subsections paragraphs (a) and (b) of this Section, section 7 a completed and signed report form, indicating that the child has had an a--professional ear examination by a physician and an audiological evaluation completed by an audiologist within the previous 12 months--to--practice--medicine--in all--of--its--branches--has--been--admitted--not--over 12 months previously is acceptable.
- d) In cases of known hearing loss, an audiological evaluation completed by an audiologist within the previous 12 months may be accepted in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

lieu of screening services. Hearing--screening--services--in--public--independent--private--and--parochial--schools--shall--be--provided--annually for--all--special--education--children--screened--using--screening--methods contained--in--Section--675-120--of--these--rules.

e) The parent or legal guardian of a student may object to hearing screening tests for their children on religious grounds. If a religious objection is made, a written and signed statement from the parent or legal guardian detailing such objections must be presented to the local school authority. General philosophical or moral reluctance to allow hearing screening will not provide a sufficient basis for an exception to statutory requirements.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 675.120 Identification Audiometry

a) Screening Procedures

- 1) For the screening stage of identification audiometry, the following pure-tone frequencies and intensity levels shall be used for children up to grade 8 (or chronological age 13 in unnumbered grades):

Test Frequencies in
Cycles Per Second

-500-Hz	25-dB
1000 Hz	25 dB
2000 Hz	25 dB
4000 Hz	25 dB

Screening Levels in
Decibels

- 2) Beginning at grade 8 (or chronological age 13 in unnumbered grades), the screening stage of identification audiometry shall include the following pure-tone frequencies and intensity levels:

Test Frequencies in
Cycles Per Second

1000 Hz	25 dB
2000 Hz	25 dB
4000 Hz	25 dB
5000 Hz	25 dB

Screening Levels in
Decibels

- 3) 2) In the event the child's condition is such that recommended screening procedures are not applicable, the child should receive alternative services if the child is considered at risk for hearing difficulties. If the child's condition makes the recommended screening procedures not applicable, the child should

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

be referred for audiological evaluation, if a child fails to hear any tone at 35 dB, you should immediately raise the level to 35 dB and present it again. If the child responds at the 35 dB level, move on to the next test frequency and present the tone at 25 dB.

b) Pass - Fail Criteria

- 1) A child is considered to have "failed" the screening test if he or she fails to hear any one tone at the 25 dB level.

A) fails to hear any tone at 35 dB in either ear; or
B) fails to hear any tone at 25 dB in the same ear.

- 2) Children "failing" the screening test must be given a second screening identical to the first and judged by the same criteria. The second screening should occur 10 to 14 days after within two weeks of the first screening test. Those children who fail the second screening must then have a threshold test.

- c) Threshold Test Procedures: It is recommended that the right ear be tested first. Always begin testing at 1000 Hz. After determining threshold at 1000 Hz, continue with the following frequencies: 2000, 4000 (6000 for 8th grade - chronological age 13 in unnumbered grades - and above), 8000 and 500 and 250 Hz. Then switch to the opposite ear and repeat the entire procedure at 1000, 2000, 4000 (6000 for 8th grade - chronological age 13 in unnumbered grades - and above), 8000 and 500 and 250 Hz.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 675.130 Referral Criteria

- a) A child is considered to have "failed" the threshold test and is referred for a medical examination and an educational screening evaluation if any two thresholds fall on or below the referral line.

1) Any two speech frequencies (500-1000-2000-Hz) in the same ear which fail on or below the referral line; or

- 2) Any two consecutive frequencies in the same ear which fail on or below the referral line (450-500, 2000-4000 or 4000-8000-Hz).

- b) The referral line is at 25 dB for all the frequencies 500, 1000, and 2000-Hz and at 40 dB for the frequencies 250, 400 and 8000-Hz.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 675.140 Referral

- a) Medical examination evaluation must be immediately recommended in written form to the parents or guardians of all children who meet the referral criteria specified in Section 675.130 as a result of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

threshold screening testing. The names of such children shall be reported referral criteria is set forth in Section 675.130 of these rules. These same children must be made known to the local education agency (LEA) or its designee for educational screening, including audiological review.

- b) The screening agent or its designee shall initiate recommendations for medical examination and educational screening and further audiological evaluation and shall coordinate those activities necessary to complete medical management of the child suspected of a hearing impairment.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART G: GENERAL STANDARDS FOR TRAINING AND QUALIFICATIONS
OF FOR PERSONNEL TO PROVIDE HEARING SCREENING SERVICES

Section 675.200 Hearing Screening Personnel

Hearing screening services shall be provided by a hearing screening technician trained and certified by the Department. Any person with a high school education or its equivalent who is working in or supervising or has an agreement to work in or supervise a school hearing screening program may apply for training. A certificate will be presented following successful completion of the course. This certificate is valid for a three-year period and can be renewed each three years by attending a recertification workshop. A valid certificate in hearing as defined by the Department is contingent on the following:

- a) Any person with a high school education or its equivalent who is working in or supervising or has a definite commitment to work in or supervise a hearing screening program may apply for training. The screening program must be for identification of hearing problems in preschool and school-age children.

b) Full attendance at the hearing course is mandatory.

- c) Successful completion of a written examination at the conclusion of the lecture series. A score of 75 percent or greater must be obtained or the trainee will be failed.

d) Demonstration of proficiency at a hearing practical. This phase includes the ability to instruct and test children the ability to recognize screening failures and referrals and the ability to successfully organize and maintain the hearing screening program. Failure to successfully demonstrate proficiency at the practical portion of the workshop will result in the trainee being categorized into one of the following groups:

- 1) "Pass with further supervision" - this category will allow the trainee to pass the course after demonstration of proficiency through an additional supervisory visit(s) by the regional hearing consultant of the Department.
- 2) "Failure to demonstrate proficiency" - the category indicates the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

trainee--did--not--meet--expectations--and--will--not--be--certified--to
perform--hearing--testing:

e) Curriculum

The training course involves intensive instruction and practice--time--
the curriculum shall include but is not limited to the following:

- 1) Hearing impairment and the philosophy of hearing conservation;
- 2) Basic anatomy and physiology of the hearing mechanism;
- 3) Disorders of hearing;
- 4) Introduction to hearing testing and test equipment;
- 5) The hearing threshold and the audiogram;
- 6) Hearing screening practice;

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Customer Rights and Responsibilities

2) Code Citation: 89 Ill. Adm. Code 677

3) Section Numbers: Adopted Action:

- | | |
|---------|---------|
| 677.20 | Amended |
| 677.30 | Amended |
| 677.40 | Amended |
| 677.50 | Amended |
| 677.80 | Amended |
| 677.90 | Amended |
| 677.200 | Amended |

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Amendment: April 12, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 2, 1998, 22 Ill. Reg. 17199

10) Has JCAR Issued a Statement of Objections to these Amendments? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: The Home Services Program rules are being revised to update cites, terms and references to match the Department of Human Services organization. The amendments in the rulemaking include amendments of the text in several areas. Section 677.20 is amended to update the bases of discrimination that apply. Section 677.30 is being revised to clarify the purposes for which customer information is gathered. Section 677.40 is being amended to clarify that the choice of living arrangement and persons residing in the dwelling

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

belong to the customer. However, it is noted that these choices may impact the amount or scope of the services received by the customer. Section 677.90 is being revised to better state the Department's position on repayment for services provided. Section 677.200 is being amended to add additional language regarding the employment agreement that the customer must execute with the person the customer is employing as a Personal Attendant.

- 16) Information and answers to questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of Adopted Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 677

CUSTOMER RIGHTS AND RESPONSIBILITIES

SUBPART A: CUSTOMER RIGHTS

Section	
677.10	Assurance of Customer Rights
677.20	Nondiscrimination
677.30	Confidentiality of Information
677.40	Freedom of Choice
677.50	Referral
677.60	Application
677.70	Notice of Action
677.80	Appeal of an Action Taken by HSP BHS
677.90	Repayment of Assistance

SUBPART B: CUSTOMER RESPONSIBILITIES

Section	
677.200	Consumer Responsibilities

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5056, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 3012, effective

APR 12 1999.

SUBPART A: CUSTOMER RIGHTS

Section 677.20 Nondiscrimination

DHS shall not discriminate against any customer seeking or receiving services through HSP on the basis of his/her race, color, religion, sex, ancestry, marital status, national origin or ancestry, age, handicap, disability, military status or any other status protected by law. ~~Political affiliation, sex, disability, national origin or ancestry, age, handicap, disability, military status or any other status protected by law.~~ ~~Political affiliation, sex, disability, national origin or ancestry, age, handicap, disability, military status or any other status protected by law.~~

(Source: Amended at 23 Ill. Reg. 3072, effective APR 12 1999.)

Section 677.30 Confidentiality of Information

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

All customer information maintained by DHS-ORS for the purposes of administering the funds available under the HSP is confidential and shall only be used for the purpose of the administration of HSP, pursuant to DHS rules found at 89 Ill. Adm. Code 505 - Confidentiality and 89 Ill. Adm. Code 676.110.

(Source: Amended at 23 Ill. Reg. 5072, effective APR 12 1999)

Section 677.40 Freedom of Choice

Under the HSP, a customer an-individual has the following rights; however, the choices made by the customer individual may affect the services available through HSP for which the customer individual is eligible or which might otherwise be available.

- a) A customer an-individual shall have the right to apply for and, if eligible, receive services under the program of the customer's individual's choice. Therefore, a customer an-individual eligible for both institutional care and HSP services has the right to choose one or the other, but may not receive both at the same time. Institutional care is not available through HSP BHS and, if the customer individual chooses HSP services, DHS-ORS shall have the right to determine the waiver under which the customer will be served and the level of the provider of services.
- b) At any time, a customer an-individual has the right not to accept those HSP services that for which he/she has been determined eligible to receive through BHS-at-any-time. However, if the customer individual chooses to terminate services, he/she may have to reapply for services and undergo another determination of eligibility if he/she later desires services through HSP.
- c) A customer an-individual has the right to choose his/her living arrangement, including the physical dwelling and persons residing in the dwelling. BHS-shall-not-impose-a-living-arrangement-on-any-individual-however. However, such choices may impact the amount or scope of the services received by available to the customer. HSP will not impose a living arrangement on any customer due to conditions such as location-of-the-dwelling-and-impact-on-necessary-services-due-to others-residing-in-the-dwelling.
- d) A customer an-individual applying for, or receiving, services through HSP shall have the right to choose medical and non-medical service providers. However, payment may only be made to those service providers which meet the standards established by DHS as found at 89 Ill. Adm. Code 686.711 and who will accept DHS' fees for a specific service approved by DHS, if DHS is to issue payment for the service.

(Source: Amended at 23 Ill. Reg. 5072, effective APR 12 1999)

Section 677.50 Referral

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) A customer an-individual has the right to receive information regarding all DHS programs, including HSP.
- b) A customer an-individual has the right to be referred by HSP BHS for other appropriate services, within and outside DHS. The customer's permission must be received in writing prior to HSP BHS making any such referral, pursuant to DHS rules at 89 Ill. Adm. Code 505 - Confidentiality.

Section 677.80 Appeal of an Action Taken by HSP BHS

The customer has the right to appeal an action or inaction on the part of HSP BHS, with certain limitations, as set forth at 89 Ill. Adm. Code 510 - Appeals and Hearings.

(Source: Amended at 23 Ill. Reg. 5072, effective APR 12 1999)

Section 677.90 Repayment of Assistance

- a) If the customer's financial status changes, DHS shall not seek repayment for the HSP services provided prior to the date DHS-ORS was knowledgeable of the change. At any time, a customer may voluntarily repay all or part of the costs associated with services provided to him/her.

a) A customer may voluntarily repay all or part of the costs associated with services provided him/her at any time; however BHS shall not seek repayment for such services regardless of change in the customer's financial status.

- b) DHS shall seek repayment for any and all services determined to have been inappropriately provided to a customer due to false disclosure, omission or misrepresentation of a customer's financial status. Reimbursement shall be sought pursuant to DHS rules found at 89 Ill. Adm. Code 527 - Recovery of Misspent Funds.

(Source: Amended at 23 Ill. Reg. 5072, effective APR 12 1999)

SUBPART B: CUSTOMER RESPONSIBILITIES

Section 677.200 Consumer Responsibilities

It is the responsibility of each customer of HSP to:

- a) provide that information necessary for DHS to process the referral of that individual for HSP services;
- b) provide a mailing and street address, along with directions to the individual's home sufficient for the DHS counselor to locate the individual;
- c) provide a telephone number if the individual has a telephone;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- d) sign an application, if the customer wishes a determination of eligibility to be made for HSP service;
- e) assist DHS' staff on gathering the information necessary to determine eligibility;
- f) sign all required forms which are necessary to comply with applicable federal law or the provisions of the Medicaid Waiver or are necessary to process payment through the Comptroller's Office; ~~---A-customer receiving-PA-services must sign-the-Client/Provider-Agreement-t89-111-Adm-Code-714-31077~~
- g) A customer receiving services from a personal assistant (PA) must sign the Employment Agreement between customer and PA to acknowledge his/her understanding of the nature of their employment relationship. The customer as the employer of his/her PA is responsible for controlling all aspects of the employment relationship with the PA, including, without limitation, locating and hiring the PA and, if necessary, disciplining and terminating the employment of the PA; report all changes in circumstances which may effect eligibility or continued eligibility for services to DHS, as soon as known. Such changes include changes in:
- 1) address;
 - 2) living arrangement;
 - 3) income or assets;
 - 4) services provided to the individual at no cost to DHS;
 - 5) service needs;
 - 6) medical and/or psychological condition;
 - 7) services providers;
 - 8) absence of the individual from his/her home that affects service provision; and
 - 9) residency or citizenship status;
- ih) apply for any and all other financial and service benefits that the customer may be expected to be eligible insofar that eligibility for these services may affect HSP eligibility, level of services required by the individual and/or cost of services to DHS;
- ij) cooperate with HSP DHS projects conducted for the purpose of obtaining or validating general program information or operations where such projects are not related to customer-specific eligibility;
- ik) cooperate with service providers, DHS staff, and representatives in complying with HSP service plans, reassessments of eligibility and other administrative rules established in this Subchapter; and
- il) cooperate with DPA in applying for receiving, maintaining and recertifying eligibility for Medicaid.

(Source: Amended at 23 Ill. Reg. ~~1078~~ effective APR 12 1990)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1025
- 3)

Section Numbers:	Adopted Action:
1025.10	Repealed
1025.110	Repealed
1025.120	Repealed
1025.130	Repealed
1025.140	Repealed
1025.150	Repealed
1025.210	Repealed
1025.220	Repealed
1025.230	Repealed
1025.240	Repealed
1025.250	Repealed
1025.260	Repealed
1025.270	Repealed
1025.App. A	Repealed
1025.App. B	Repealed
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5]
- 5) Effective Date of Repealer: April 12, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 16, 1998 , 22 Ill. Reg. 18158
- 10) Has JCAR Issued a Statement of Objections to this Repealer? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): Part 1025 is being repealed and replaced with 2 Ill. Adm. Code 1175.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Private Sewage Disposal Code
- 2) Code Citation: 77 Ill. Adm. Code 905
- 3) Section Numbers: Adopted Action:
905.15 Amendment
905.100 Amendment
- 4) Statutory Authority: Implementing and authorized by the Private Sewage Disposal Licensing Act [225 ILCS 225].
- 5) Effective Date of Rules: April 10, 1999
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain Incorporations by Reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: April 10, 1998 - 22 Ill. Reg. 6595
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
- 11) Difference Between Proposal and Final Version:
- In Section 905.15(a)(1), the incorporated standard was updated from NSF Criteria C-9 to ANSI/NSF Standard 46, Evaluation of Components and Devices Used in Wastewater Treatment Systems.
- In Section 905.15(a)(2), the title of ANSI/NSF Standard 40 was updated from "Individual Aerobic Wastewater Treatment Plants" to "Residential Wastewater Treatment Systems".
- In Section 905.15(a)(3), the title of ANSI/NSF Standard 41 was updated from "Wastewater Recycle/Reuse and Water Conservation Devices" to "Non-Liquid Saturated Treatment Systems".
- Section 905.100(a), (b), (c), (d), (j) and (l) were revised to allow aerobic treatment plants to be tested by a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 (Residential Wastewater Treatment Systems).
- In addition, various typographical, grammatical and form changes were made in response to comments from the Joint Committee on Administrative Rules.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreements issued by the Joint Committee.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rules: These amendments revise the rules governing the installation of private sewage disposal systems to update a standard of the National Sanitation Foundation International (NSF) that is incorporated by reference in these rules. Standard 40 published by NSF specifies approval criteria for individual aerobic wastewater treatment plants. The Department requires manufacturers to have aerobic treatment plants tested and approved and listed by NSF or a laboratory approved by ANSI to determine compliance with the requirements of Standard 40 in order to be approved for installation in Illinois. This amendment will update the rules to reflect the 1996 edition of Standard 40 to allow manufacturers whose products are being tested under the new standard to be in compliance with the Department's rules. The rulemaking also updates ANSI/NSF Standard 40, "Evaluation of Components and Devices Used in Wastewater Treatment Systems" and ANSI/NSF Standard 41 "Non-Liquid Saturated Treatment Systems".

16) Information and Questions Regarding these Adopted Rules shall be directed to:

Gail M. Devito, Administrative Rules Coordinator
Department of Public Health
Division of Legal Services,
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
(rules@ldph.state.il.us)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: WATER AND SEWAGE

PART 905
PRIVATE SEWAGE DISPOSAL CODE

Section	Definitions
905.10	Incorporated and Referenced Materials
905.15	General Requirements
905.20	Approved Private Sewage Disposal Systems
905.30	Septic Tanks
905.40	Distribution Boxes
905.50	Subsurface Seepage System Design Requirements
905.55	Subsurface Seepage System Construction Requirements
905.60	Buried Sand Filters
905.70	Recirculating Sand Filter
905.80	Waste Stabilization Ponds
905.90	Aerobic Treatment Plants
905.100	Effluent Discharges
905.110	Disinfection
905.125	Pumps, Pumping/Dosing Chambers and Ancillary Equipment
905.130	Human Waste Disposal
905.140	Holding Tanks
905.150	Sanitary Pump Stations
905.160	Swimming Pool Wastewater
905.170	Servicing, Cleaning, Transporting and Disposing of Wastes from Private Sewage Disposal Systems
905.180	Examinations for Licensure
905.190	Installation Approval
905.200	Licenses and Fees
905.210	Notification of Disposal Site (Repealed)
APPENDIX A	Illustrations and Exhibits
ILLUSTRATION A	Quantity of Sewage Flows
ILLUSTRATION B	Approved Plastic Pipe Materials (Repealed)
ILLUSTRATION C	List of Approved Plastic Pipe for Private Sewage Disposal System
ILLUSTRATION D	Location of Components of Private Sewage Disposal Systems
ILLUSTRATION E	Septic Tanks
EXHIBIT A	Septic Tank with Slip-In Baffles
EXHIBIT B	Septic Tank with T-Baffles
EXHIBIT C	Typical Gas Deflection Devices
ILLUSTRATION F	Minimum Volumes for Septic Tanks Serving Residential Units
ILLUSTRATION G	Instructions for Conducting Percolation Tests
ILLUSTRATION H	Subsurface Seepage System Size Determination
EXHIBIT A	Gravel System
EXHIBIT B	Gravelless System

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ILLUSTRATION I	Seepage Field Construction
EXHIBIT A	Gravel System
EXHIBIT B	Size and Spacing - Gravel System
EXHIBIT C	Gravelless System
EXHIBIT D	Size and Spacing - Gravelless System
ILLUSTRATION J	Septic Tank Subsurface Seepage Field
EXHIBIT A	Plan View - Gravel System
EXHIBIT B	Section View - Gravel System
EXHIBIT C	Plan View - Gravelless System
EXHIBIT D	Section View - Gravelless System
ILLUSTRATION K	Serial Distribution
EXHIBIT A	Plan View #1 - Gravel System
EXHIBIT B	Section View #1 - Gravel System
EXHIBIT C	Plan View #2 - Gravel System
EXHIBIT D	Section View #2 - Gravel System
EXHIBIT E	Plan View #1 - Gravelless System
EXHIBIT F	Section View #1 - Gravelless System
EXHIBIT G	Plan View #2 - Gravelless System
EXHIBIT H	Section View #2 - Gravelless System
ILLUSTRATION L	Seepage Bed
EXHIBIT A	Plan View
EXHIBIT B	Side View
EXHIBIT C	End View
ILLUSTRATION M	Soil Suitability for On-Site Sewage Design
EXHIBIT A	Loading Rates in Square Feet Per Bedroom and Gallons/Square Feet/Day
EXHIBIT B	Key for Determining Sewage Loading Rates (Gallons/Square Feet/Day)
ILLUSTRATION N	Buried Sand Filter
EXHIBIT A	Plan View
EXHIBIT B	Section View
ILLUSTRATION O	Recirculating Sand Filter System
EXHIBIT A	System Diagram
EXHIBIT B	Flow Splitter Detail
ILLUSTRATION P	Recirculating Sand Filter Sizing Chart
ILLUSTRATION Q	Recirculating Tank Pump Control
ILLUSTRATION R	Waste Stabilization Pond
EXHIBIT A	Plan View
EXHIBIT B	Section View
EXHIBIT C	Waste Stabilization Pond Surface Area in Square Feet
ILLUSTRATION S	Chlorine Contact Tank
EXHIBIT A	Minimum Required Chlorine Contact Tank Volume
EXHIBIT B	Chlorine Feeder, Contact Tank, and Sampling Port
ILLUSTRATION T	Sanitary and Concrete Vault Privy
ILLUSTRATION U	Septic Privy Distribution System
EXHIBIT A	Plan View
EXHIBIT B	Section View

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ILLUSTRATION V	Sanitary Dump Station
EXHIBIT A	Section View #1
EXHIBIT B	Plan View
EXHIBIT C	Section View #2
ILLUSTRATION W	Swimming Pool Backwash Water Holding Tank
ILLUSTRATION X	Local Authorities (Repealed)
APPENDIX B	Telephone or Address Inquiries to the Regional Office
AUTHORITY:	Implementing and authorized by the Private Sewage Disposal Licensing Act [225 ILCS 225].
SOURCE:	Filed October 19, 1974, effective October 25, 1974; rules repealed, new rules adopted at 6 Ill. Reg. 3095, effective March 9, 1982; amended at 8 Ill. Reg. 8352, effective June 4, 1984; codified at 8 Ill. Reg. 19821; amended at 9 Ill. Reg. 20738, effective January 3, 1986; amended at 10 Ill. Reg. 11054, effective July 1, 1986; amended at 20 Ill. Reg. 2431, effective March 19, 1996; amended at 21 Ill. Reg. 3000, effective <u>APR 10 1999</u> .
NOTE:	In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.
Section 905.15	Incorporated and Referenced Materials
The following standards of nationally recognized organizations and Federal and State regulations are incorporated or referenced in this Part:	
a) The following materials are incorporated by reference:	
1) <u>National-Sanitation-Foundat</u> on Criteria--C-97--Evaluation--of Special--Processes--Components--or--Devices--Used--in--Treating Wastewater--(1998) ANSI/NSF Standard 46, Evaluation of Components and Devices Used in Wastewater Treatment Systems (1997) published by NSF International	
<u>The National-Sanitation-Foundat</u> ion 3475 Plymouth Road, P.O. Box 1468 Ann Arbor, Michigan 48106	
Referenced in Section 905.30	
2) ANSI/NSF International, Standard Number 40, Residential Wastewater Treatment Systems Individual--Aerobic--Wastewater Treatment-Plants (May 28, 1996 July-1998) published by: NSF International 3475 Plymouth Road, P.O. Box 1468 Ann Arbor, Michigan 48106	
Referenced in Section 905.100	
3) <u>Wastewater-Recycle/Reuse-and-Water--Conservation--Devices--(1990)</u> ANSI/NSF National-Sanitation-Foundat, Standard Number 41, Non-Liquid Satrated Treatment Systems (1998) published by: NSF International <u>The National-Sanitation-Foundat</u> ion 3475 Plymouth Road, P.O. Box 1468 Ann Arbor, Michigan 48106	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Referenced in Section 905.130

- 4) American Society for Testing and Materials (ASTM) required standards are listed under Section 905. Appendix A of this Part. List of approved plastic pipe for private sewage disposal system uses and standards may be obtained from:
American Society for Testing and Materials 1916 Race Street
Philadelphia, Pennsylvania 19103
Referenced in Section 905.40, 905.60, 905.70
- 5) Standard Methods for Examination of Water and Wastewater published by:
American Public Health Association
1015 8th Street

Referenced in Section 905.40. 905.60 905.70

Standard Methods for Examination of Water and Wastewater
published by:

American Public Health Association
1015 8th Street

Washington, D.C. 20036

Referenced in Section 905.110

REFERENCES IN FOOTNOTES CONTAIN
 CLASSIFY OF SOIL SCIENCE TERMS (July 1987) published by:

Glossary of Soil Science Terms (part 1)

The Soil Science Society of America

677 South Segoe Road

Madison, Wisconsin 53711

Title 40 of the Code of Federal Regulation

Use or Disposal of Sewage Slu

Referenced in Section 905.170

National Electrical Code, 1993 Edition

National Fire Protection

Batterymarch Park

Quincy Massachusetts 02260

Quincy, Massachusetts 02270

- the following materials are referenced in this Part:
 - 1) Department of Public Health regulations
A) Private Sewage Mound Code (77 Ill. Adm. Code 906)
Referenced in Section 905.30
 - B) Illinois Plumbing Code (77 Ill. Adm. Code 890)
Referenced in Sections 905.140, 905.150 and Appendix A: Illustration C of this Part
 - C) Recreational Area Code (77 Ill. Adm. Code 800)
Referenced in Section 905.150
 - D) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 - 2) Pollution Control Board regulations
A) Introduction (35 Ill. Adm. Code 301)
Referenced in Section 905.110
 - B) Permits (35 Ill. Adm. Code 309)
Referenced in Sections 905.110 and 905.170
 - C) Waste Disposal (35 Ill. Adm. Code Subtitle G)
Referenced in Sections 905.20 and 905.140

c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

d) All citations to federal regulations in this Part concern the specified regulation in the 1994 Code of Federal Regulations, unless another date is specified.

e) All materials incorporated by reference are available for inspection and copying at the Department's Central Office, Division of Environmental Health, 525 West Jefferson, Springfield, Illinois 62761.

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION
PUBLISHED WEEKLY
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(Source: Amended at 23
APR 10 1999)

Section 905.100 Aerobic Treatment Plants

- a) General. Aerobic treatment plants shall be tested and listed by NSF International or a laboratory approved by ANSI to determine compliance as complying with the requirements of ANS/NFSP Standard Number 40, Residential Wastewater Treatment Systems ~~Aerobic~~~~-Wastewater~~ ~~Treatment~~, May 28, 1996 July-1999. Standard 40 is a standard which covers plants-for-treatment-of an organized and coordinated system of components that functions to treat wastewater generated by from individual residences homes. This part shall allow NSF approved aerobic treatment plants to serve residential property that is occupied on a year-round or full-time basis. Aerobic treatment plants shall not be used to serve residential property which is used as a seasonal, weekend, or part-time residence.
- b) Class II Effluent. Aerobic treatment plants listed by NSF or a laboratory approved by ANSI to determine compliance with ANS/NFSP Standard 40 for Class II effluent ~~(#905-60mg/l-and-Suspended-Solids-100-mg/l)~~ shall discharge to one of the following:
- 1) A subsurface seepage system designed and constructed in accordance with the requirements of Section 905.60.
 - 2) A sand filter designed and constructed in accordance with the requirements of Sections 905.70 or 905.80.
 - 3) A waste stabilization pond designed and constructed in accordance with the requirements of Section 905.90.
- c) Class I effluent. Aerobic treatment plants listed by NSF or a laboratory approved by ANSI to determine compliance with ANS/NFSP Standard 40 for Class I effluent ~~(#905-30-mg/l-and-Suspended-Solids-30-mg/l)~~ shall discharge to one of the following:
- 1) A subsurface seepage field designed and constructed to be at least 2/3 the size determined necessary by Section 905.60.
 - 2) To a surface discharge in accordance with Section 905.10.
- d) Sizing. Aerobic treatment plants which are listed by NSF or a laboratory approved by ANSI to determine compliance with ANS/NFSP Standard 40 as Class I and rated at 500 gallons per day will be allowed for the treatment of sewage from residential property having up to and including 4 bedrooms. Other aerobic treatment plants that are listed by NSF or a laboratory approved by ANSI to determine compliance with ANS/NFSP Standard 0 as Class I shall be sized as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

follows:

Bedrooms	Minimum Rated Treatment Capacity-Gallons
----------	------------------------------------------

1	400
2	400
3	500
4	500
5	750
6	900
7	1000
8	1200
9	1350
10	1500

e) Installation. All components of aerobic treatment plants shall be installed at the time of the original installation. If this is not possible, a solid end cap shall be securely placed over the end of the discharge line until the system can be completed. This will prevent the discharge of raw sewage to the ground surface.

f) Accessibility for inspection and maintenance. The plant shall be equipped with one or more grade-level access manholes located to permit periodic physical inspection and maintenance of all compartments and component parts. Component parts include submerged bearings, moving parts, tubes, intakes, slots, filters, and other devices. Grade level access manholes shall be installed in a manner to prohibit the entry of soil, water and dirt into the unit.

g) Service. Devices falling within the scope of Standard 40 require periodic maintenance to achieve performance consistent with demonstrated capabilities. Implicit in Standard 40 is the recognition that assured professional service is imperative. Standard 40 and this Part require a 2-year service policy to be provided as part of the initial service agreement. (Note: The following initial service policy includes items not included in the NSF Standard 40 service policy.)

1) Initial service policy: A 2-year policy shall be furnished to the purchaser by the private sewage disposal installation contractor through the manufacturer or the distributor of the aerobic treatment unit. This policy shall provide:

A) Four inspection/service calls, at least one every 6 months, which includes inspection, adjustment, and servicing of the mechanical and the applicable component parts to ensure proper function;

B) For an effluent quality inspection consisting of a visual check for color, turbidity, scum overflow, and an examination for odors;

C) For improper operation which cannot be corrected at that

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

time, to be reported to the owner immediately. This shall be followed with a written report which includes the date for the condition to be corrected.

2) Continuing service policy: Each manufacturer shall make available for purchase by the owner a continuing service policy with terms equal to the initial service policy.

3) Standby parts: Standby mechanical and electrical component parts shall be stocked by the local distributor for use when the plant's mechanical or electrical components must be removed from the site for repairs.

4) Component parts: The mechanical and electrical component parts shall be guaranteed against any defects in materials and workmanship as warranted.

5) Service: Service shall be available within 2 working days following a request.

6) Owner's manual: An owner's manual shall be provided by the manufacturer with each unit. The manual shall include the following information:

A) Model numbers.
B) Functional description of unit including a statement of minimum performance requirements as established by test.
C) Design and flow diagrams.

D) Warranty.

E) Replacement policy and service policy.

F) Installation instructions.

G) Detailed operation and maintenance requirements (including user responsibility, parts and service).

H) Rated service flow in gpm (gallons per minute) or gpd (gallons per day).

I) Energy source and energy required for proper operation of the plant.

J) Specification of models tested under ANSI/NSF Standard 40.

7) Service label: A clearly visible, permanently attached label or plate giving instructions for obtaining service shall be placed at the audible and visual alarm.

8) Responsibility of property owner: The property owner shall be responsible for maintaining and operating the plant in accordance with this Part and the manufacturer's specifications.

h) Operation. Aerobic treatment plants shall produce an effluent meeting the physical, chemical and biological requirements of Section 905.110. Under normal operation and in the event of an electrical or mechanical failure or other performance failure or malfunction, the design and construction of the aerobic treatment plant shall prevent the discharge of wastewater from any opening which is not part of the designed flow path of the entire treatment process and shall prevent the discharge of wastewater which is not in compliance with Section 905.110.

i) Maintenance. In the event that a routine service call indicates an

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

electrical, mechanical or performance failure or malfunction or if routine laboratory test results indicate improper treatment, the property owner shall immediately take action to bring the aerobic treatment plant into compliance with this Part.

- 3) Non-residential use. Aerobic treatment plants which are listed by NSF or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 as Class I will be considered for use to serve a non-residential property provided all of the following are met:
 - 1) Total daily flows from the wastewater source into the plant are at least 75% of the rated hydraulic capacity and do not exceed the rated hydraulic capacity of the plant.
 - 2) Wastewater influent effluent shall not exceed the manufacturer's design specifications for BOD5 loading as established by NSF or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 during testing of the plant.
 - 3) Hourly flows from the wastewater source into the plant are less than or equal to the treatment capacity of the plant divided by 24. This may require the installation of a flow equalization device.
 - 4) A buried sand filter sized with a surface area equal to 2 gallons per square foot per day and dosed at least once but not more than 4 times per day shall immediately follow the aerobic treatment plant.

k) Any wastewater source shall be served by a single individual aerobic treatment plant. Splitting of flows from a wastewater source or the use of multiple aerobic treatment plants shall be prohibited unless subsurface disposal of the effluent is used. Where allowed, splitting of flows shall be done by pumps.

- 1) Private sewage disposal installation contractors or homeowners who maintain or service aerobic treatment plants shall be required to maintain the integrity of the NSF seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40. Only component parts approved for use in an individual plant may be used. No design changes or component part changes may be made which will void the NSF seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40. Any person who voids the NSF seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 shall be responsible for repairing the plant so it can bear the NSF seal or the seal of a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 or shall replace the plant with an approved private sewage disposal system.

(Source: Amended at 23 Ill. Reg. 7060 effective APR 10 1999)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Driving and Parking

- 2) Code Citation: 92 Ill. Adm. Code 397

- 3) Section Numbers: Adopted Action:
397.1020 Amend

- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18B)

- 5) Effective Date of Amendment: March 31, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? Yes

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and in the Office of Chief Counsel and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: November 13, 1998, 22 Ill. Reg. 19679

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment: By this Notice, the Department is updating the date of incorporation by reference of 49 CFR 397 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 3254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

[63 FR 3254, June 18, 1998] removes, amends and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective, or burdensome.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The Department has amended Section 397.1020(e) to clarify that drivers who violate the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] of the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Out-of-Service Criteria.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen, Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-3212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER 1: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER 4: MOTOR CARRIER SAFETY REGULATIONS

PART 397

DRIVING AND PARKING

Section

General

397.1000 Application

397.1010 Incorporation By Reference of 49 CFR 397

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; codified at 8 Ill. Reg. 17986; recodified from 92 Ill. Adm. Code 397. Subchapter c at 14 Ill. Reg. 3281; Part repealed, new Part adopted at 14 Ill. Reg. 15496, effective September 10, 1990; amended at 15 Ill. Reg. 13158, effective August 21, 1991; amended at 18 Ill. Reg. 736, effective January 11, 1994; amended at 19 Ill. Reg. 13035, effective August 30, 1995; amended at 20 Ill. Reg. 15327, effective November 18, 1996; amended at 23 Ill. Reg. 30340, effective MAR 31 1999.

Section 397.1020 Incorporation By Reference of 49 CFR 397

- a) The Department incorporates "Driving and Parking" (49 CFR 397) by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1997 ~~October-17-1995~~, as amended at 63 FR 33254, June 18, 1998 ~~63-FR-10497--January-24--1996~~, subject only to exceptions in subsections (b) and (c). No later amendments to or editions of 49 CFR 397 are incorporated.
- b) Section 397.1 is deleted and not incorporated.
- c) Section 397.2 is deleted and not incorporated.
- d) References to subsections, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- e) The following addition to 49 CFR 397 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for any violation violations of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 23 Ill. Reg. 50900 effective MAR 31 1999.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Driving of Motor Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 392
- 3) Section Numbers: Adopted Action:
392.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendments: March 31, 1999
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and in the Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 13, 1998, 22 Ill. Reg. 19682

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: By this Notice, the Department is updating the date of incorporation by reference of 49 CFR 392 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 3254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

[63 FR 3254, June 18, 1998] removes, amends, and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective or burdensome.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The Department has amended Section 392.2000(c), to clarify that drivers who violate the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Uniform Out-of-Service Criteria.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen, Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 392

DRIVING OF MOTOR VEHICLES

Section

392.1000 General

392.2000 Incorporation by Reference of 49 CFR 392

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15503, effective September 10, 1990; amended at 15 Ill. Reg. 13155, effective August 21, 1991; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. 10359, effective June 15, 1994; amended at 19 Ill. Reg. 13038, effective August 30, 1995; amended at 20 Ill. Reg. 15330, effective November 18, 1996; amended at 23 Ill. Reg. 11111, effective MAR 31 1999.

Section 392.2000 Incorporation by Reference of 49 CFR 392

- a) "Driving of Motor Vehicles" (49 CFR 392) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR), 49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1997 ~~October 1, 1995~~, as amended at 63 FR 33254, June 18, 1998 ~~61 FR 9546-March 9, 1996~~. No later amendments to or editions of 49 CFR 392 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in the FMCSR.
- c) The following addition to 49 CFR 392 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

Authorized Illinois State Police shall place drivers out-of-service for violations of the North American Uniform Out-of-Service Criteria as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended, at 23 Ill. Reg. 5095, effective MAR 31 1999)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hours of Service of Drivers

2) Code Citation: 92 Ill. Adm. Code 395

3) Section Numbers: Adopted Action:
395.2000 Amend

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]

5) Effective Date of Amendments: March 31, 1999

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and in the Office of Chief Counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 13, 1998, 22 Ill. Reg. 19685

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: By this Notice, the Department is updating the date of incorporation by reference of 49 CFR 395 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 33254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

[63 FR 33254, June 18, 1998] removes, amends, and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective, or burdensome.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

The Department has also amended Section 395.2000(c)(3)(A) to clarify that drivers who violate the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Uniform Out-of-Service Criteria.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen, Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS
TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 395
HOURS OF SERVICE OF DRIVERS

Section
395.1000
395.2000
General
Incorporation by Reference of 49 CFR 395

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 11100, effective MAR 31 1999.

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1997 October-37-1995, as amended at 63 FR 33254, June 18, 1998 63-FR-14677, April-37-1996, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this Part.
- 1) Sections 395.1(i) and 395.1(j) are deleted and not incorporated.
 - 2) Section 395.1(e) as it applies to intrastate carriers is amended to establish that drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status. (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])
 - 3) Section 395.13 is not incorporated and the following substituted therefor:
 - A) Authority to declare drivers out-of-service due to any violation ~~violations~~ of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Inspection, Repair and Maintenance
- 2) Code Citation: 92 Ill. Adm. Code 396
- 3) Section Numbers: Adopted Action:
396.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 188]
- 5) Effective Date of Amendments: March 31, 1999
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and in the Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 13, 1998, 22 Ill. Reg. 19690

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version: Various grammatical corrections were made throughout the Part.

- 12) Have all the changes raised upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: By this Notice, the Department is updating the date of incorporation by reference of 49 CFR 396 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 33254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

[63 FR 33254, June 18, 1998] removes, amends, and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective, or burdensome.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Sections 396.2000(c)(2) and (c)(3) are deleted from the regulations pursuant to P.A. 90-228, effective July 25, 1997. P.A. 90-228 amends 625 ILCS 5/18b-105 to require intrastate drivers of commercial motor vehicles to complete post-trip driver vehicle inspection reports and to review any previous report before operating the vehicle. Previously, only those drivers operating in interstate commerce were required to complete and review driver vehicle inspection reports. The requirements of 49 CFR 396.11 and 396.13 apply to both interstate and intrastate drivers.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen, Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 783-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER 1: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER 3: MOTOR CARRIER SAFETY REGULATIONS

PART 396

INSPECTION, REPAIR AND MAINTENANCE

Section

396.1000 General

396.2000 Incorporation by Reference of 49 CFR 396

396.2010 Inspection of Vehicles in Operation

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b] (see P.A. 90-228, effective July 25, 1997).

SOURCE: Adopted at 14 Ill. Reg. 15512, effective September 10, 1990; amended at 15 Ill. Reg. 13167, effective August 21, 1991; amended at 16 Ill. Reg. 14431, effective September 8, 1992; amended at 18 Ill. Reg. 749, effective January 11, 1994; amended at 19 Ill. Reg. 13046, effective August 30, 1995; amended at 20 Ill. Reg. 15340, effective November 18, 1996; amended at 23 Ill. Reg. 11611, effective MAR 31 1999.

Section 396.2000 Incorporation by Reference of 49 CFR 396

a) The Department incorporates "Inspection, Repair and Maintenance" (49 CFR 396) by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1997, as amended at 63 FR 33254, June 18, 1998 October 17, 1995, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 396 are incorporated.

b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.

c) The following interpretations of, additions to and deletions from 49 CFR 396 shall apply for purposes of this Part.

1) Section 396.9 is deleted and not incorporated.
2) ~~Section 396.11 shall not apply to the operator of a commercial vehicle used in intrastate commerce.~~ (Section 18b-105(c)(3) of the Illinois Motor Carrier Safety Law--(the Law)--(625 ILCS 5/18b-105(c)(3)))

3) ~~Paragraphs (b) and (c) of Section 396.13 shall not apply to the operator of a commercial vehicle used in intrastate commerce.~~ (Section 18b-105(c)(4) of the Law)

24) Any commercial motor vehicle used in intrastate commerce that is inspected semi-annually pursuant to Section 13-109 of the Illinois Vehicle Code (the Code) [625 ILCS 5/13-109] has complied

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

with the periodic inspection procedures required by 49 CFR 396.17.

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MAR 31 1999

effective

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Numbers: Adopted Action:
 Amend 390.1010
 Amend 390.1020
 Amend 390.1030
 Amend 390.2000
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendments: March 31, 1999
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and in the Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 13, 1998, 22 Ill. Reg. 19694
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Various grammatical corrections were made throughout the Part.
 Additionally, at Section 390.2000(b)(11), the CFR citation was updated.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?
 No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: By this Notice, the Department is updating the date of incorporation by reference of 49 CFR 390, subpart B and newly incorporated subpart D as of October 1, 1997 and is updating all other references to 49 CFR as of October 1, 1997. These amendments also include the federal rulemaking adopted at 63 FR 33254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Docket:

(63 FR 33254, June 18, 1998) removes, amends and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective or burdensome.

Section 390.1010 is amended by removing subsection (b) pertaining to the applicability of provisions found in 49 CFR 390, subpart C Intermodal Transportation. The federal rulemaking cited at 62 FR 1293, January 9, 1997 removed subpart C from the federal regulations meaning Section 390.1010 (b) is no longer necessary. (The Department is renumbering this Section accordingly.)

At Section 390.1010(d), the Department changed the reference to correctly cite to the agricultural exception in the Illinois Hazardous Materials Transportation Regulations at 92 Ill. Adm. Code 171.22 and to clarify that this subsection applies to transportation by farmers only.

Section 390.1020 is amended to revise the definitions of "Accident", "Exempt intracity zone" and "Principal place of business", pursuant to federal rulemaking, 63 FR 3254, June 18, 1998. Additionally, all CFR cites are updated to the October 1, 1997 edition date. Several definitions are deleted, also in accordance with the federal rulemaking, and these are: "Intermittent, casual, or occasional driver" and "Regularly employed driver". Likewise, several definitions are being added and they are: "Highway", "Multiple-employer driver" and "Single-employer driver". Finally, the definition of "Medical examiner" is amended to clarify the significance of the "Illinois Medical Practice Act" when defining "medical examiner" in the Illinois regulations.

Section 390.1030 is amended to reference the latest edition of the CFR.

Section 390.2000 is amended to, among other things, clarify what federal provisions the Department is willing to incorporate by reference and what the Department will not incorporate by reference.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen, Regulations Unit
 Illinois Department of Transportation
 Division of Traffic Safety
 P.O. Box 19212
 Springfield, Illinois 62794-9212
 (217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER 1: MOTOR CARRIER SAFETY REGULATIONS

PART 390

MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section

390.1000

General Applicability

390.1010

Definitions

390.1030

Rules of Construction

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section

390.2000

Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18B).

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 734, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 1-105-2 effective MAR 31 1999.

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1010 General Applicability

- a) All Parts of the MCSR except for "Driving and Parking" (92 Ill. Adm. Code 397) are applicable to:
Persons employing drivers, drivers and commercial motor vehicles which transport property or passengers in interstate or intrastate commerce. Persons employing drivers, drivers and commercial motor vehicles which transport property or passengers in interstate or intrastate commerce (Section 18b-106 of the Law)
- b) The provisions in subpart C of 49 CFR 390 (incorporated by reference in Section 390.2000 of this Part) are applicable to persons tendering loaded containers or trailers, to carriers used to transport such loaded containers or trailers, and to persons who coerce or attempt to coerce a motor carrier to transport a loaded container or trailer in

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

violation-of-that-subpart

b) 92 Ill. Adm. Code 397 applies to any employer, employee or motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with "Carriage by Public Highway" (49 CFR 177-823) and to:

- 1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and
 - 2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.
- c) The provisions of 92 Ill. Adm. Code 397 do not apply to the transportation in Illinois of hazardous materials by a farmer when in approved containers and in the amounts and manner specified in 92 Ill. Adm. Code 171.22 and 171.5, Agriculture Exception agricultural exception, when such commodities are transported from a farm to a final agricultural end-user or between final end-users from a farm to a farm in approved containers and in the amounts and manner specified.
- d) Nothing in the MCSR shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

e) The MCSR requires knowledge of and compliance with the following:

- 1) Every employer shall be knowledgeable of and comply with all requirements contained in the MCSR which are applicable to that motor carrier's operations.

- 2) Every driver and employee shall comply with all applicable requirements contained in the MCSR and shall be instructed accordingly.
- 3) All motor vehicles' equipment and accessories required by the MCSR shall be maintained in compliance with all applicable performance and design criteria also set forth in the MCSR.

f) Except for provisions in paragraph 13-101 of the Illinois Vehicle Code (625 ILCS 13-101) or unless otherwise specifically provided, the requirements in the MCSR do not apply to:

- 1) All school bus operations as defined in Section 390.1020 of this Part;
- 2) Transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States. The accident recordkeeping requirements of 49 CFR 390.15 remain applicable to the entities identified in this subsection when engaged in the interstate charter transportation of passengers;
- 3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
- 4) The transportation of human corpses or sick and injured persons;
- 5) The operation of fire trucks and rescue vehicles while involved in emergency and related operations.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 1105 effective
MAR 31 1999)

Section 390.1020 Definitions

The following definitions apply to all parts in the MCSR unless a specific Part expressly defines a term different than what is used below:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a highway public--road which results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

An occurrence involving only the loading or unloading of cargo, or [63 FR 33254, June 18, 1998] An occurrence in the course of the operation of a passenger-car or a multi-purpose passenger vehicle as defined in 49 CFR 591.33--by a motor carrier--and is not transporting passengers--for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.023--(49 CFR 399.57 October 17, 1995)

"Agricultural movements" means the operation of a motor vehicle or combination of vehicles controlled and operated by a private motor carrier of property that is using the vehicle to transport nonhazardous or hazardous agricultural crop production fertilizers or agricultural chemicals from a local source of supply to farm or field, or from one farm or field to another, or from farm or field back to the local source of supply. (Section 18b-101 of the Law)

"Alcohol concentration" (AC) means the concentration of alcohol in a

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. "Federal Motor Carrier Safety Regulations: General" (49 CFR 390.5, October 1, 1997 October 17, 1995)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 1997 October 17, 1995)

"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (Section 1-108 of the Illinois Vehicle Code (the Code) [625 ILCS 5/1-108])

"Charter transportation of passengers" means transportation, using a bus, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, have acquired the exclusive use of the vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 1997 October 17, 1995)

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Commerce" means trade, commerce or transportation within the State. (Section 18b-101(1) of the Law)

"Commercial motor vehicle (CMV)" means any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds (4,537 or more kilograms); or the vehicle is designed to transport more than 15 passengers, including the driver; or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 18b-101 of the Law)

"Commercial Vehicle Inspections" means:

Level 1 - North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria. As a minimum, North American

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 - Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

Level 3 - Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report. (Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1996)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Department" means the Illinois Department of Transportation. (Section 18b-101 of the Law)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

threat to life and property has passed. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51(b)(2)(i)(A) or (B)) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 1997 October-17-1995)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more sets of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, ice storm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, which interrupts the delivery of

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the Regional Director of Motor Carriers for the region in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee; or

A request by a police officer for tow trucks to move wrecked or disabled vehicles. (49 CFR 390.5, October 1, 1997 ~~October-17 1995~~)

"Emergency relief" means an operation in which a motor carrier or driver of commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Federal Highway Administration (FHWA) in 49 CFR 372, subpart B, Interstate Commerce Commission (ICC) in "Commercial Zones" (49-CFR-1948)-revised as of October-17-1995. The descriptions are printed in Appendix F to the Motor Carrier Safety Regulations. A driver may be considered to operate a vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 1997 ~~October-17-1995~~)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the ICC under "Miscellaneous Motor Carrier Transportation Exemptions" (49 USC 8-6-e, 10526). "Exempt motor carriers" are subject to the requirements set forth in the Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 1997 ~~October-17 1995~~)

"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act. (Section 18b-101 of the law)

"Farm machinery" -- see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is --

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either --

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

Not being used in the operation of a for-hire motor carrier;

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Not carrying hazardous materials of a type or quantity that required the vehicle to be placarded in accordance with 49 CFR 177.823; and

Being used within 150 air-miles of the farmer's farm.

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days after the accident. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Federal Highway Administrator" means the chief executive of the Federal Highway Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 1997 October-17-1995)

"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission. "For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission. (Section 1-124 of the Code)

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in the Hazardous Materials Table and Hazardous Materials Communications" (49 CFR 172.101) when offered for transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in 49 CFR 172.101. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a state under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Highway" means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (63 FR 32354, June 18, 1998)

"Illinois State Police" means any individual officer of the Illinois State Police.

"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder. (Section 1-130 of the Code)

"Intermittent, casual, or occasional driver" means a driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier. The qualification of such a driver shall

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

be determined and recorded in accordance with the provisions of 49-EPR 391-63 or 391-65 as applicable--(49-CFR-390.5, October 17, 1995)

"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through other states for delivery in another state. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 17, 1997 October 17, 1995)

"Law" means the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. Pursuant to the Illinois Medical Practice Act [225 ILCS 60], the term only includes doctors of medicine, doctors of osteopathy, and doctors of chiropractic.

"Motor carrier" means a for-hire motor carrier or a private motor carrier. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the MCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR 390.5, October 17, 1997 October 17, 1995)

"Motor Carrier Safety Regulations (MCSR)" means the requirements established in Parts 386, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 17, 1997 October 17, 1995)

"Multiple-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. (63 FR 3254, June 18, 1998)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

"North American Uniform Out-Of-Service Criteria" means a set of guidelines recognized by all states and the provinces of Canada as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced by law enforcement officers of a state or the federal government.

"Operator" -- see driver.

"Other terms" -- any other term used in the MCSR is used in its commonly accepted meaning except where such other term has been defined elsewhere in the MCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 17, 1997 October 17, 1995)

"Out-of-service order" means a declaration by an authorized enforcement officer of a Federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 49 CFR 392.5, 49 CFR 395.13, 49 CFR 396.9, or compatible laws, or the North American Uniform Out-Of-Service Criteria as defined in this Section. (49 CFR 390.5, October 17, 1997 October 17, 1995)

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns. (Section 18B-10(5) of the Law)

"Planting and harvesting season" means the period of February 1 through November 30 each year (63 FR 14677, April 3, 1996).

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, for purposes of identification under this Subchapter d. The motor carrier must make records required by 49 CFR 382 and 49 CFR 387, as well as Parts 390, 391, 395, 396, and 397 of this Subchapter d, available for inspection at this location within 48 hours (Saturdays, Sundays, and Federal or State holidays excluded) after a request has been made by a special agent or authorized representative of the Federal Highway Administration or the Illinois Department of Transportation. (63 FR 3254, June 18, 1998) **where records required by "Minimum Levels of Financial Responsibility for Motor Carriers" (49-EPR-387)---"Federal Motor Carrier Safety Regulations"---General---(49-EPR-390)7 "Qualification of Drivers" (49-EPR-391)7 "Hours of Service of Drivers" (49-EPR-395)7, and "Inspection, Repair and Maintenance" (49-EPR-396) will be maintained. Provisions in the MCSR are made for maintaining certain records at locations other than the principal place of**

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

business--(49-CFR-390.5-October-17-1995)

"Private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 17, 1997 October-17-1995)

"Private motor carrier of passengers (business)" means a private motor carrier engaged in the interstate or intrastate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large. (49 CFR 390.5, October 17, 1997 October-17-1995)

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5, October 17, 1997 October-17-1995)

"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the vehicle. (49 CFR 390.5, October 17, 1997 October-17-1995)

"Regional Director" means the Director of the Office of Motor Carriers, Federal Highway Administration; for a given geographical region of the United States. (49 CFR 390.5, October 17, 1997 October-17-1995)

"Regulatively-employed-driver" means a driver who in any period of seven consecutive days, is employed or used as a driver solely by a single motor carrier. (49-CFR-390.5-October-17-1995)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 17, 1997 October-17-1995)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

"School bus" means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary of the United States Department of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary or secondary school students to such schools from home or from such schools to home. (49 CFR 390.5, October 17, 1997 October-17-1995)

"School bus operation" means the use of a school bus to transport only school children and school personnel from home to school and from school to home and for intrastate sanctioned school functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Single-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier. This term includes a driver who operates a commercial motor vehicle on an intermittent, casual, or occasional basis. (63 FR 33234, June 18, 1998)

"Special agent" - See 49 CFR Appendix B to Subchapter B of Chapter III.

"Special agricultural movement equipment" means a vehicle of the second division having a corn sheller, a well-driller, hay press, clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed 2,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation, tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 17, 1997 October-17-1995)

"Trailer" includes:

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing unit. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

considered a full trailer. (49 CFR 390.5, October 1, 1997 October 17-1995)

"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Truck" means any self-propelled motor vehicle except a truck/tractor, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, 1997 October-17-1995)

"Truck/tractor" means a self-propelled motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 1997 October-17-1995)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 1997 October-17-1995)

"US DOT" means the United States Department of Transportation.

(Source: Amended at 23 Ill. Reg. MAR 31 1999, effective 10-1-95)

Section 390.1030 Rules of Construction

- a) In the MCSR unless the context requires otherwise:
 - 1) Words imparting the singular include the plural;
 - 2) Words imparting the plural include the singular;
 - 3) Words imparting the masculine gender include the feminine; and
 - 4) Words imparting the present tense include the future tense. (49 CFR 390.7, October 1, 1997 October-17-1995)
- b) In the MCSR:
 - 1) "Officer" includes any person authorized by law to perform the duties of the office;
 - 2) "Writing" includes printing and typewriting;
 - 3) "Shall" is used in an imperative sense;
 - 4) "Must" is used in an imperative sense;

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 5) "Should" is used in a recommendatory sense;
- 6) "May" is used in a permissive sense; and
- 7) "Includes" is used as a word of inclusion, not limitation. (49 CFR 390.7, October 1, 1997 October-17-1995)

(Source: Amended MAR 31 1999, 23 Ill. Reg. 10-1-95, effective 10-1-95)

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section 390.2000 Incorporation by Reference

- a) 49 CFR 390, subparts B and D are hereby incorporated by reference as those subparts of the FMCSR were in effect on October 1, 1997 October 17-1995, as amended at 63 FR 33254, June 18, 1998 61-PR-95467, March-87 1996, subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, subpart B and D are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 390, subparts B and D shall apply for the purposes of this Subpart.

- 1) 49 CFR 390.9 is deleted and not incorporated.
- 2) Section 390.15(f) is not incorporated and the following is substituted therefor:

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Highway Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Highway Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.

- 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.
- 4) Section 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following substituted therefor:

An emergency has been declared by a Federal, State or local official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designees.
- 5) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.
- 6) Section 390.29(b) is not incorporated and the following is substituted therefor:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

All records and documents required by this Subchapter d that are maintained at a regional office or driver work-reporting location shall be made available for inspection upon request by a special agent or authorized representative of the Federal Highway Administration or Illinois Department of Transportation at the motor carrier's principal place of business or other location specified by the agent or representative within 48 hours after a request is made. Saturdays, Sundays, and Federal and State holidays are excluded from the computation of the 48-hour period of time.

71 49 CFR 390, subpart D applies only to commercial motor vehicles engaged in interstate commerce.

81 67 Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.

9177 Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.

10187 Any reference to a section in the incorporated material shall be read to refer to that Section in the MCSR.

11197 Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards." (49 CFR 325, October 1, 1997 October 17-1995)

(Source: Amended at 23 Ill. Reg. 01100000, effective MAR 31 1999)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Parts and Accessories Necessary for Safe Operation
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) Section Numbers: 393.2000
Adopted Action:
Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]

5) Effective Date of Amendments: March 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and in the Office of Chief Counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 13, 1998, 22 Ill. Reg. 19714

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: Various grammatical corrections were made throughout the Part.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: By this Notice, the Department is updating the date of incorporation by reference of 49 CFR 393 as of October 1, 1997 and including the federal rulemakings adopted at 63 FR 1383, January 9, 1998; 63 FR 8330, February 18, 1998; and 63 FR 24454, May 4, 1998. This rulemaking incorporates by reference changes made in the following Dockets:

(63 FR 1383, January 9, 1998) revises the requirement concerning glazing materials, windshield condition, coloring and tinting of windshields and windows and obstructions to the driver's field of view.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

(63 FR 8330, February 18, 1998) reduces the amount of tire overloading allowed on tires used to transport manufactured homes.

(63 FR 24454, May 4, 1998) requires that air-braked truck tractors manufactured on or after March 1, 1997, and air-braked single-unit trucks, buses, trailers and converter dollies manufactured on or after March 1, 1998, be equipped with antilock brake systems (ABSs). Requires hydraulic-braked trucks and buses manufactured on or after March 1, 1999 to be equipped with ABSs.

The Department has also amended Section 393.2000 (c)(3) to clarify that drivers who violate the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18B) or the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Uniform Out-of-Service Criteria.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen, Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 393

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section

393.1000 General

393.2000 Incorporation by Reference of 49 CFR 393

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18B).

SOURCE: Adopted at 14 Ill. Reg. 15537, effective September 10, 1990; amended at 35 Ill. Reg. 13185, effective August 21, 1991; amended at 18 Ill. Reg. 774, effective January 11, 1994; amended at 19 Ill. Reg. 13070, effective August 30, 1995; amended at 20 Ill. Reg. 15362, effective November 18, 1996; amended at 23 Ill. Reg. ~~15362~~, effective MAR 31 1999.

Section 393.2000 Incorporation by Reference of 49 CFR 393

- a) "Parts and Accessories Necessary for Safe Operation" (49 CFR 393) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1997 October-17-1995, as amended at 63 FR 1383, January 9, 1998, as amended at 63 FR 8330, February 18, 1998, and as amended at 63 FR 24454, May 4, 1998 61-PR--10497--January 24--1996, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 393 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 393 shall apply for purposes of this Part.
 - 1) Section 393.39 shall not apply to those commercial motor vehicles engaged in intrastate commerce which were manufactured before June 30, 1972 (Section 18b-105(c)(1) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(c)(1)]).
 - 2) Section 393.86 shall not apply for those vehicles registered as farm trucks under Section 3-815(c) of the Illinois Vehicle Code (the Code) [625 ILCS 5/3-815(c)] and utilized in intrastate commerce (Section 18b-105(c)(2) of the Law).
 - 3) Authorized Illinois State Police shall place vehicles out-of-service for any violation violations of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] of the Motor Carrier Safety Regulations that warrants placing the vehicle out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended 23 Ill. Reg. effective 02/04/00)

MAC 31 1999

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Procedures and Enforcement

2) Code Citation: 92 Ill. Adm. Code 386

3) Section Numbers: Adopted Action:
386.1120 Amend

4) Statutory Authority: Implementing and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b]

5) Effective Date of Amendments: March 31, 1999

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment is on file in the Department's Division of Traffic Safety and in the Office of Chief Counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 13, 1998; 22 Ill. Reg. 19719

10) Has JCAR issued a Statement of Objection to these amendments: No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: By this Notice, the Department is amending Section 386.1120 to reduce the number of days, from 180 to 90, that a person charged with a violation of the Illinois Motor Carrier Safety Regulations (IMCSR) has to reach a settlement before a Notice of Probable Violation can be served upon a person. This revision will result in a more efficient settlement of violations of the IMCSR.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen, Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 783-1161

The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER 9: MOTOR CARRIER SAFETY REGULATIONS

PART 386

PROCEDURES AND ENFORCEMENT

Section	Scope
386.1000	Scope
386.1010	Definitions
386.1020	Service
386.1030	Subpoenas
386.1040	Responsibility for Enforcement
386.1050	Investigations
386.1060	Inspection of Records and Motor Vehicles
386.1070	Out of Service
386.1080	Record of Inspection
386.1090	Warning Letter
386.1110	Maximum Penalties
386.1120	Commencement of Civil Penalty Proceeding
386.1130	Reply
386.1140	Payment of Penalty
386.1150	Request for Hearing
386.1160	Hearing
386.1170	Presiding Officer's Decision
386.1180	Assessment Considerations
386.1190	Appeal
386.1200	Willful Violations

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15542, effective September 10, 1990; amended at 18 Ill. Reg. 778, effective January 11, 1994; amended at 19 Ill. Reg. 13073, effective August 30, 1995; amended at 23 Ill. Reg. 4203, effective

MAR 31 1999

Section 386.1120 Commencement of Civil Penalty Proceeding

- a) When the Department has reason to believe that a person has committed an act which is a violation of any provision of the MCSR or a settlement agreement, and having considered the nature, circumstances, extent and gravity of the violation, and with respect to a person believed to have committed such a violation, the degree of culpability and history of prior offenses or warning letters, the Department, by the Director or his authorized representative, shall begin a civil penalty proceeding by serving a Notice of Intent to Assess Civil Monetary Penalty, in accordance with Section 386.1020, on a person

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

charging that person with having committed an act which is a violation of one or more provisions of these regulations or a settlement agreement.

- b) A Notice of Intent to Assess Civil Monetary Penalty issued under this Section shall include:

- 1) notice of the provision(s) of the MCSR or settlement agreement which the respondent is believed to have violated;
- 2) a brief description of the manner in which the respondent is believed to have violated the MCSR or settlement agreement;
- 3) notice of the maximum amount of civil penalty for which the respondent may be liable;
- 4) notice of the amount of the civil penalty sought to be assessed by the Department;
- 5) a description of the manner in which the respondent shall make payment in accordance with Section 386.1140 of any money to the State;
- 6) a statement that the respondent may request a conference with the Department, by verbal or written request to the Director, to review and discuss the alleged violation and civil penalty, and of the procedures for requesting a conference; and
- 7) a statement that if a settlement cannot be reached within 90 days, a Notice of Probable Violation will be served upon the respondent, and the respondent will have an opportunity for a hearing as provided by Section 18b-107(b) of the Law and Section 386.1160.

- c) In the event that the Department and the respondent do not enter a settlement agreement following service of a Notice of Intent to Assess Civil Monetary Penalty, the Department by the Director shall serve a Notice of Probable Violation on the respondent.

- d) A Notice of Probable Violation issued under this Section includes:
- 1) a statement of the provision(s) of the MCSR or of a settlement agreement which the respondent is believed to have violated;
 - 2) a statement of the factual allegations upon which the proposed civil penalty is being sought;
 - 3) notice of the maximum amount of civil penalty for which the respondent may be liable;
 - 4) notice of the amount of the civil penalty sought to be assessed by the Department;
 - 5) a description of the manner in which the respondent shall make payment of any money to the State in accordance with Section 386.1140;
 - 6) a statement of respondent's right to request a hearing and the procedures for requesting a hearing in accordance with Section 386.1150; and
 - 7) a statement of respondent's right to appear at the hearing and to present relevant written or oral explanations, information and materials in answer to the allegations or in mitigation of the penalty.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- e) A settlement of a civil penalty proceeding may be effectuated at any time upon agreement of the parties, shall be reduced to writing by the Department and signed by the parties. Terms of the settlement may include a reduction in the amount of the proposed civil penalty, and may include training and procedural requirements agreed upon by the respondent and Department. Training and procedural requirements may be agreed upon to increase awareness of and compliance with the MCSR.

(Source: Amended at 23 Ill. Reg. 112.010 effective MAR 31 1999)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Qualification of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 391
- 3) Section Numbers: Adopted Action:
391.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch.18B]
- 5) Effective Date of Amendments: March 31, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and in the Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 13, 1998, 22 Ill. Reg. 19724
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Various grammatical corrections were made throughout the Part.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No Changes were necessary.
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: By this Notice, the Department is updating the date of incorporation by reference of 49 CFR 391 as of October 1, 1997 and including the federal rulemaking adopted at 63 FR 33254, June 18, 1998.

This rulemaking incorporates by reference changes made in the following Docket:

[63 FR 33254, June 18, 1998] removes, amends, and redesignates certain provisions of the Federal Motor Carrier Safety Regulations. These regulations are considered obsolete, redundant, unnecessary, ineffective or burdensome.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The Department amended Section 391.2000(c)(1) to clarify that drivers who violate the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations will be placed out-of-service when warranted by the North American Uniform Out-of-Service Criteria.

A new subsection is added at Section 391.2000(c)(6) addressing the role of physician assistants and advanced practice nurses in performing a medical examination. The Department renumbered subsequent subsections accordingly. Section 391.2000(c)(8) is removed pursuant to 63 FR 33254, June 18, 1998 that removed 49 CFR 391.69 from the regulations and redesignated 49 CFR 391.73 as the new 49 CFR 391.69.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen, Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 391

QUALIFICATION OF DRIVERS

Section

391.1000

391.2000

General
Incorporation By Reference of 49 CFR 391

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b].

SOURCE: Adopted at 111. Reg. 15560, effective September 10, 1990; amended at 15 111. Reg. 13189, effective August 21, 1991; amended at 16 111. Reg. 5362, effective March 23, 1992; amended at 16 111. Reg. 14715, effective September 14, 1992; amended at 18 111. Reg. 783, effective January 11, 1994; amended at 19 111. Reg. 13077, effective August 30, 1995; amended at 20 111. Reg. 15365, effective November 18, 1996; amended at 23 111. Reg. 5131, effective MAR 31 1999.

Section 391.2000 Incorporation By Reference of 49 CFR 391

- a) The Department hereby incorporates 49 CFR 391 by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1997, October 1, 1995, as amended at 63 FR 33254, June 18, 1998 61 FR 19371, October 1, 1996, and as amended at 61 FR 9546, March 8, 1996, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 391 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR 391.
- c) The following interpretations of, additions to and deletions from 49 CFR 391 shall apply for purposes of this Part.

1) Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b] or the Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020

- i) Authorized Illinois State Police shall place drivers out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020
- 2) Section 391.11(b)(1) does not apply to the operator of a commercial motor vehicle used in intrastate commerce.
- 3) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

driver of a commercial motor vehicle with a gross vehicle weight rating or gross combination weight of over 12,000 lbs., used in the intrastate transportation of property who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to the Illinois Motor Carrier Safety Regulations (IMCSR) and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of 49 CFR 391 by reason of the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner. (Section 18b-105 of the Law)

- 4) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle which either has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of between 10,000 and 12,001 pounds; or which is designed to transport more than 15 passengers, including the driver; or which has a GVWR or GCWR of less than 12,001 pounds and transports hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. The vehicle must be used in intrastate transportation. The driver must have been eligible and licensed to operate a motor vehicle subject to the IMCSR and engaged in operating such vehicle immediately prior to January 17, 1992. The driver must have been disqualified on January 17, 1992 by the adoption of Public Act 87-823 which made the IMCSR applicable to vehicles described above. The reason for disqualification must have been the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time. This exception does not apply to any driver who has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

- 5) Section 391.43(a)(1) is not incorporated and the following substituted therefor:

Except as provided by 49 CFR 391.43(b) of this section, the medical examination shall be performed by a licensed medical examiner as defined in 92 Ill. Adm. Code 390.1020.

- 6) Physician assistants and advanced practice nurses can assist medical examiners in performing the medical examination. However, physician assistants and advanced practice nurses must work under the direction of a medical examiner and are prohibited from signing the medical examiner's certificate.

7.61 Section 391.43(g)(4) is added to the Illinois Motor-Carrier Safety-Regulations and reads as follows: If a medical examiner determines that the driver is qualified to drive only in intrastate transportation due to the application of the provisions of Section 391.2000(c)(3) or 391.2000(c)(4) above, the

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

following shall appear on the medical examiner's certificate: "Qualified only for intrastate transportation in Illinois."

8) Section 391.49(a) is not incorporated and the following substituted therefor:

A person who is not physically qualified to drive under 49 CFR 391, and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle in intrastate or intrastate transportation if the Regional Director, Motor Carrier Safety has granted a waiver to that person.

9) ~~Section 391.68 is deleted and not incorporated.~~

Section 391.83(a) is modified to cause 49 CFR 391, Subpart H to apply to motor carriers and persons, except for private motor carriers of passengers (nonbusiness), who operate a commercial motor vehicle, as defined in 49 CFR 391.85 in either interstate or intrastate commerce.

10) The definition of "commercial motor vehicle" in Section 391.85 is modified to include such vehicles operated in either interstate or intrastate commerce, and to not include farm machinery, fertilizer spreaders or other special agricultural movement equipment or implements of husbandry used in intrastate commerce.

11) Section 391.87(g) is not incorporated and the following substituted therefor:

A motor carrier shall produce upon demand and shall permit the Illinois Department of Transportation or Administrator of the US DOT to examine all records related to the administration and results of controlled substance testing performed under this Part.

(Source: ~~Amended~~ **March 31 1999** 23 Ill. Reg. ~~5137~~ **5138**, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Administration

2) Code Citation: 59 Ill. Adm. Code 101

<u>Section Numbers:</u>	<u>Emergency Action:</u>
101.20	Amended
101.30	Amended
101.70	Repealed
101.75	Amended
101.80	Amended
101.90	Amended
101.100	Amended
101.110	Amended

4) Statutory Authority: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105], Section 6, 18.1, 20 and 22 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/6, 18.1, 20 and 22], Section 3.06 of the Specialized Living Centers Act [405 ILCS 25/3.06], Section 4A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101], Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] and Bogard et al. V. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].

5) Effective Date of Amendments: April 2, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date filed with the Index Department: April 2, 1999

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Filed in conjunction with Emergency rulemaking of 59 Ill. Adm. Code 50, Office of Inspector General (OIG). Provides for the hearing process referenced in 59 Ill. Adm. Code 50, OIG.

10) A Complete Description of the Subject and Issues Involved: This rulemaking is amending many Sections of the Part. The amendments to Sections 101.110 and the repeal of Section 101.70 are part of the Department's effort to consolidate all the rules related to hearings

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

covered by the Illinois Administrative Procedures Act. The amendments to the other Sections are part of the transfer of the rule from the Department of Mental Health and Developmental Disabilities to the Department of Human Services.

These amendments are mostly corrections of cites to ILCS, changing the rules to conform with DHS organization, and changes to the style of the rule in keeping with the current style manual.

- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 101

ADMINISTRATION

Section	Illinois Department of Mental Health and Developmental Disabilities -- Internal Organization (Repealed)
101.10	Service recipients activity fund in State-operated mental health and developmental centers <u>Department-facilities</u>
101.20	Payments to the account of service recipients
101.30	EMERGENCY
101.60	Service contracts (Recodified)
101.70	Conduct of hearings and appeals <u>(Repealed)</u>
101.75	EMERGENCY
101.75	Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (68 C 2414, U.S.D.C., N.D. IL (June 2, 1993))
101.80	class members
101.80	Conflict of Interest
101.90	EMERGENCY
101.90	Specialized living centers
101.100	Community mental health and developmental disabilities service provider participation fee trust fund
101.110	Hearings and appeals under Sections 7 and 8 of the Illinois Grant Recovery Act [30 ILCS 705/7 and 8]
101.110	EMERGENCY Funds Recovery Act [30 ILCS 705/7 and 8]
101.110	EMERGENCY A Organization Charts (Repealed)

101.110	ILLUSTRATION A Illinois Department of Mental Health and Developmental Disabilities (Repealed)
101.110	ILLUSTRATION B Associate Director (Repealed)
101.110	ILLUSTRATION C Division of Developmental Disabilities (Repealed)
101.110	ILLUSTRATION D Division of Alcoholism (Repealed)
101.110	ILLUSTRATION E Division of Management Services (Repealed)
101.110	ILLUSTRATION F Division of Community Services and Interagency Affairs (Repealed)
101.110	ILLUSTRATION G Region 1A Office (Repealed)
101.110	ILLUSTRATION H Region 1B Office (Repealed)
101.110	ILLUSTRATION I Region 2 Office (Repealed)
101.110	ILLUSTRATION J Region 2 Developmental Disabilities (Repealed)
101.110	ILLUSTRATION K Region 3A Office (Repealed)
101.110	ILLUSTRATION L Region 3B Office (Repealed)
101.110	ILLUSTRATION M Region 4 Office (Repealed)
101.110	ILLUSTRATION N Region 5 Office (Repealed)

AUTHORITY: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105], Sections 6, 18.1, 20 and 22 of the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/6, 18/1, 20 and 22], Section 3.06 of the Specialized Living Centers Act [405 ILCS 25/3-06], Section 4A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101], Sections 7 and 8 of the Illinois Grant Funds recovery Act [30 ILCS 705/7 and 8] and Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL (June 2, 1993)) and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].

SOURCE: Effective February 1, 1977, corrected April 1, 1977; amended at 3 Ill. Reg. 50, p. 277, effective December 3, 1979; amended at 4 Ill. Reg. 17, p. 205, effective April 15, 1980; codified at 5 Ill. Reg. 10716; amended at 8 Ill. Reg. 12265, effective July 1, 1984. Section 101.60 recodified to 44 Ill. Adm. Code 1220 at 8 Ill. Reg. 18490; amended at 15 Ill. Reg. 9316, effective June 18, 1991; emergency amendment at 15 Ill. Reg. 14663, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2137, effective January 24, 1992; amended at 18 Ill. Reg. 4179, effective March 3, 1994; amended at 20 Ill. Reg. 7856, effective June 7, 1996; amended at 20 Ill. Reg. 13599, effective October 10, 1996; transferred from the Department of Mental Health and Developmental Disabilities to the Department of Human Services by P.A. 89-507; emergency amendment at 23 Ill. Reg. 1138, effective April 2, 1999, for a maximum of 150 days.

Section 101.20 Service recipients activity fund in State-operated mental health and developmental centers Department-facilities

EMERGENCY

In accordance with Section 20 of the Department-of Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/20] (---Rev-Stat--1989--ch--91-122--part--100-20--as-amended-by-P.A.-86-1324; effective September-6-1989, service recipients activity funds are established in the Department's mental health and developmental centers Department-facilities. The facility director/hospital administrator shall be responsible for receipts and expenditures from these funds in accordance with the following provisions:

- a) Receipts to the fund shall include:
 - 1) Profits from the operation of commissary stores, including vending machines;
 - 2) Interest or dividend income derived from deposits in financial institutions or from investments of unrestricted cash funds in federal government securities or investments guaranteed or insured by the federal government for the principal amount of the investment. Unrestricted cash funds means those funds, gifts and donations as provided by Section 22 of the Department-of Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/22] (---Rev--Stat--1989--ch--91-122--part--100-22--as

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

amended-by-P.A.-86-1324; effective-September-6-1989, which are not restricted in their use for a specific purpose by the donor; and

- 3) Proceeds from the disposition of recipients' unclaimed personal property, including monetary assets in accordance with 59 Ill. Adm. Code 110.10 (Disposition of Unclaimed Personal Property).
- b) Expenditures from the fund shall be for the pleasure, comfort, benefit and amusement of recipients except that expenditures from the fund shall be made in accordance with Sections-1-through-13-of the Illinois Procurement Code Purchasing-Act [30 ILCS 500] (---Rev-Stat--1989, ch--127--part--138-1-through-132-13).
- c) Expenditures from the fund shall not be made for the comfort, pleasure, benefit and amusement of Department employees.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 1138, effective April 2, 1999, for a maximum of 150 days)

Section 101.30 Payments to the account of service recipients

EMERGENCY

- a) All payments made for the services charges for present or former Department recipients in accordance with 59 Ill. Adm. Code 106 (Services Charges) shall be in the form of check, draft or money order made payable to the Illinois Department of Human Services Mental Health-and-Developmental-Disabilities.

- b) Such payments shall be mailed to the Department of Human Services, Bureau of Cash Management, 100 South Grand Avenue East, Springfield IL 62762 Mental-Health-and-Developmental-Disabilities---Department Treasury--100-Ninth-Ninth-Street--Springfield--Illinois-62765.

- c) The facility resource unit supervisor shall accept payments for services charges for recipients in the form specified in subsection (a) of this Section. On receipt of such payment, the facility resource unit supervisor shall forward a reminder to the payer that any future payments must be made to the Bureau of Cash Management Department-treasurer as indicated in subsection (b) of this Section.

- d) If cash payment is offered for services charges for recipients to a facility resource unit supervisor or department attorney, the payer shall be instructed to obtain a money order, bank draft or check and forward the same as indicated in subsection (b). The facility resource unit supervisor may accept cash payments when the payer indicates that he or she cannot obtain an instrument of payment due to age, infirmity, or handicapping condition. Such cash payments shall be deposited in the trust fund account of the recipient for whom the payment was made, with the name of the payer entered in the trust fund records, if other than that of the recipient. The payer shall be given a receipt for cash received, a copy of which the facility shall retain. The payer shall be requested to submit future payments in accordance with subsection (b).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- e) Department attorneys may receive checks, drafts, or money orders as payment toward or for a judgment entered by a court for transmittal to the Bureau of Cash Management Department-Treasurer as indicated in subsection (b).
- f) Department employees shall not accept payments made or offered to recipients' accounts for purposes or reasons other than those specified in this Section.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 5148-1, effective April 2, 1999, for a maximum of 150 days)

Section 101.70 Conduct of hearings and appeals (Repealed)

EMERGENCY

a) Applicability

- 1) This Section shall govern all formal administrative hearings for the Department except for those hearings governed by the Department's rules at 59 Ill. Adm. Code 101-75, 101-110, 103-106, 108-112, 120-121, 122-132 and 135. All contested cases and licensing actions which are required by law to be preceded by a notice and opportunity to be heard shall be governed by this Section. If a licensing statute prescribes certain procedures or requirements for licensing hearings, those procedures or requirements shall be followed as though they were set forth in this Section.

- 2) This Section shall also apply to hearings conducted by the Department as required by federal law in the event there is a conflict between federal regulations and this Section; federal regulations shall prevail.

- 3) This Section shall not preclude any informal administrative procedures established by the Department to resolve licensing issues or conflicts prior to initiating any action requiring a formal hearing.

b) Definitions

For the purposes of this Section, the following terms are defined:

"Administrative law judge." The person appointed by the Director to preside at the formal administrative hearing. The term is synonymous with any other term used to refer to the person conducting such hearings.

"Appellant." The person or agency that requests a hearing.

"Contested case." Shall have the meaning ascribed to it in Section 1-30 of the Illinois Administrative Procedure Act (5 ILCS 100/2-30).

"Days." Working days unless otherwise specified.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

"Department." The Department of Mental Health and Developmental Disabilities or successor agency.

"Director." The Director of the Department of Mental Health and Developmental Disabilities or his or her designee.

"Preponderance of the evidence." Proof sufficient to persuade the finder of fact that a proposition is more likely true than not true.

"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

c) Representation

An appellant may be represented during the hearing and appeals process by an attorney or other person of his or her choice. The appellant may also represent him or herself.

d) Notice

1) Notice of a Department decision shall be given according to the requirements of this Section unless the applicable statute requires otherwise. The notice of the decision shall contain:

- A) A statement of the right to a hearing;
B) A statement that if the person desires a hearing, he or she must request a hearing in writing within 30 days after the date of receipt of the notice with a brief statement of why he or she wants a hearing; and
C) The address where the request should be sent.

2) The notice of a hearing shall contain:

- A) A statement of the nature of the hearing;
B) A statement of the time and place of the hearing and, if a pre-hearing conference is scheduled by the Department, the time and place of the conference;
C) A reference to the particular Sections of the statute and rules involved;
D) A statement of the legal authority under which the hearing is held;

E) A concise statement of the matters asserted;

F) A statement of the consequences of failing to respond to the notice;

G) The official file number;

H) The names and addresses of the administrative law judge and the parties involved; and
I) A statement of the right to be represented by the person of the appellant's choice at his or her expense.

3) All notices of hearings shall be in writing and mailed to the parties at least ten days before the date of the hearing.

4) All notices under this Section shall be served either personally or by certified mail on the appellant or his or her agent.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

authorized--to--receive--service--of--process--unless--the--applicable statute--requires--a--different--form--of--service.

- 2) Preliminary review
- On receipt of a letter requesting an appeal, the appropriate division of the Department shall conduct an informal review which may include a meeting with the appellant of the decision which is the basis for the appeal. Any, if indicated, reverse or modify its decision or take other action as necessary. The Department shall send a letter to the appellant informing him or her of the outcome of the informal review.
- 3) Qualifications of administrative law judge
- Administrative law judges shall meet the qualifications set out in the Department's rules at 2 Ill. Adm. Code 1027.
- 4) Disqualifications of administrative law judge
- At any time prior to the issuance of the administrative law judge's recommended decision, the appellant may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Such a motion shall be made in writing to the Director with a copy to the administrative law judge setting out the specific instances of bias or conflict of interest. An adverse decision or ruling in and of itself is not grounds for disqualification. The administrative law judge's employment or contract as an administrative law judge by the agency is not, in and of itself, a conflict of interest. The appeal shall be suspended until the Director rules on the motion. The Director may decline to disqualify the administrative law judge, appoint another administrative law judge to hear the case or decide that the appeal should be granted.
- 5) Pre-hearing conferences
- 1) The administrative law judge may schedule a pre-hearing conference at his or her discretion. This conference shall be held prior to the hearing and shall be for the purpose of considering:

- A) the clarification of the issues;
- B) the possibility of obtaining admissions of fact or documents that would avoid unnecessary proof or testimony;
- C) the possibility of a resolution of the case without a hearing; and
- B) Any other matters that may aid in the disposition of the appeal.

- 2) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the administrative law judge shall issue an order reciting the agreement and dismissing the appeal. Copies of the order shall be sent to the Department and the appellant. The appellant's copy shall be sent by certified mail.

- 3) Discovery
- 1) Discovery such as interrogatories and depositions as provided for in the Rules of the Illinois Supreme Court (S.Ct. Rule 1) is at the discretion of the administrative law judge. Requests to take

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

discovery must be made in writing to the administrative law judge with notice to all parties. Discovery may only be taken with the prior permission of the administrative law judge and is subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 1107).

- 2) Exchange of witnesses
- Each party shall, on request by another party or the administrative law judge, serve on all other parties a list of potential witnesses who may be called on to testify at the hearing. Such list shall include the address or place of employment of each witness and shall be served within seven days after the receipt of the request.

- 3) Appointment of a neutral
- The appellant shall, on request, be allowed to inspect and copy any documents which the Department intends to submit at the hearing. Such request shall be made at least two days before the hearing.

- 4) Depositions

- A) The administrative law judge may order the taking of depositions specifying the subject matter to be covered of a person other than the appellant under oral examination or written questions for use as evidence at the hearing provided:

- 1) The administrative law judge has determined that there is a need to preserve a person's testimony and there is a substantial possibility the person will be unavailable at the time of the hearing (such as when a witness has a scheduled vacation or an out-of-town trip); and

- 2) Such request is made on motion by a party who gives notice of such motion to all other parties to the issue.

- B) The taking of depositions shall be in accordance with the provisions for taking depositions in civil cases (Rules 203 through 217 of the Supreme Court (S.Ct. Rules 203-217)) and the order for the taking of a deposition may provide that any designated books, papers, documents or tangible objects that are not privileged be produced at the same time and place.

- C) Any other parties to the issue shall have the right to confront and cross-examine any witness whose deposition is taken. The other parties may waive such right in writing filed with the administrative law judge.

- D) Depositions shall be taken in the county of residence or employment of the witness as specified in Rule 203 of the Illinois Supreme Court (S.Ct. Rule 203) unless the witness waives such right in writing.

- 3) Subpoenas

- 1) The administrative law judge may issue a subpoena to compel the attendance of a witness or the production of documents when such

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

witness has or such documents contain relevant evidence but the evidence is not being presented by the party witness or holder of a document. A party may also request the administrative law judge to issue a subpoena to compel the attendance of a witness or the production of documents. The request shall be either in writing or on the record and shall:

- A) Identify the witness or document sought; and
- B) State the facts that will be proven by each witness or document sought.

- 2) The administrative law judge shall grant or deny the request either in writing or on the record. If the request for subpoena is granted the administrative law judge shall, if necessary, reschedule the hearing to a specific date. The request for subpoena shall be denied only if the administrative law judge finds that the evidence sought is immaterial, irrelevant or cumulative. If the request for subpoena is denied, the administrative law judge shall proceed to conduct the hearing and the specific reasons for denial of the request for subpoena shall be made part of the record on appeal.
- 3) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare an application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement of the subpoena and shall present the application to the administrative law judge. If satisfied that the subpoena was properly served and that the application is in proper form, the administrative law judge shall sign the subpoena or the attorney for the party seeking the subpoena may then file and prosecute the application to the circuit court. In such instance the matter shall be continued pending the outcome of enforcement of the subpoena.

k) Conduct of hearings

- 1) All hearings shall be closed to the public.
- 2) Where, because of distances involved, it is impractical for the parties, witnesses or the administrative law judge to appear in the same site for a hearing the administrative law judge has the authority to schedule a telephone hearing. Any party shall have a right not to participate in a telephone hearing and any party electing not to participate in a telephone hearing shall be granted an in person hearing. If a hearing is to be conducted by telephone the notice shall so inform the parties and include instructions for providing the agency with any necessary telephone numbers. The in person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses by telephone. A party to a telephone hearing must submit to the administrative law judge at least 10 days before the date of the scheduled hearing any documents that are intended to be introduced at the hearing. Copies of the documents must also be provided to any other party prior to the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

date of the scheduled hearing. All documents submitted to the administrative law judge will be identified on the record.

- 3) The administrative law judge:
 - A) Shall regulate the course of the hearing?
 - B) May hold an informal conference for the settlement or definition of the issues?
 - C) Shall dispose of procedural requests?
 - D) May continue the hearing from time to time when necessary?
 - E) May examine witnesses and
 - F) Shall rule on the relevancy of evidence.
- 4) A party requiring an interpreter must provide an interpreter able and willing to translate verbatim from the witness language into English or sign language as appropriate and vice versa. The administrative law judge will examine an interpreter's oath to any interpreter in accordance with Sections 8-1403 and 8-1408 of the Code of Civil Procedure [33-1105.5/8-1403 and 8-1408].
- 5) At the hearing both parties may present written physical and oral evidence. The Department shall have the burden of proving that there was substantial evidence of non-compliance with the Department's standards in licensing and revocation hearings. In all other cases the appellant has the burden of coming forward with the evidence to show that the decision of the Department is incorrect. At the conclusion of the Department's presentation the appellant may present written physical and oral evidence. Written opening or closing arguments, legal memoranda, trial briefs or similar documents shall be permitted on motion granted. This requirement shall not prohibit the administrative law judge sua sponte from requesting that certain issues be briefed by the parties.
- 6) Evidence
 - A) The rules of evidence and privileges as applied in the circuit courts of this State shall apply in these hearings. However, evidence not admissible under such rules shall be admitted if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
 - B) A party may conduct cross examination of a witness subject to the evidentiary requirements in this subsection.
 - C) Notice may be taken of matters of which the circuit court of this State may take judicial notice. In addition, notice may be taken of generally recognized scientific or technical facts within the Department's specialized knowledge. Parties shall be notified before or during the hearing of the material noticed and shall be given an opportunity to contest the material so noticed.
 - D) The hearing shall be either taped or stenographically recorded. The Department shall retain the tape or a copy of the transcript.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

If the appellant appeals the administrative law judge's decision, a copy of the tape or the transcript shall be provided to the appellant upon request. The Department may charge the appellant a reasonable fee for reproduction of the tape or transcript.

1) Failure of the party to appear at the scheduled hearing

2) Failure of the appellant to appear at the hearing at the time that the hearing is scheduled before the administrative law judge will result in a dismissal of the appeal.

3) If a party fails to appear and an adverse decision is rendered that party may, by letter or on the record, request rehearing of the appeal from the administrative law judge.

4) Requests to rehear the appeal must be filed no later than 10 days after the hearing or the date that the party first knew or should have known of the scheduled hearing, whichever is later.

5) Based on the statements in the request and the facts of the record, the administrative law judge shall:

a) If the request meets the requirements of subsection (1)(2) of this Section, schedule a hearing with notice to all parties, including a copy of the request to any opposing parties; or

b) Deny the request if the request fails to meet the requirements of subsection (1)(2) of this Section, and issue a written decision setting forth the reasons for the denial. In such cases, if an adverse decision on the merits was issued, a timely appeal to the denial of a timely request for rehearing shall also constitute a timely appeal on the merits of the matter.

5) At the start of the hearing, any party may present its objections to the request. The administrative law judge will consider all objections and responses and supporting evidence, if any, and will grant or deny the request for a rehearing at that time based on the preponderance of the evidence. If the administrative law judge denies the request, he or she will terminate the proceedings. If the administrative law judge grants the request, he or she will proceed to conduct a hearing on the merits.

6) If there is an objection to the request, the administrative law judge's decision, in writing or on the record, will contain any findings of fact and reasons for the decision to grant or deny the request. All denials of requests for rehearing shall be in writing.

n) Administrative law judge's recommended decision. Within 20 working days after the close of the record, the administrative law judge shall issue his or her recommended decision to the Director. The decision shall contain findings of fact, conclusions of law, the reasons for the decision, and a recommended disposition of the case. Copies of the recommended decision shall be sent to both parties. The Department's copy shall be sent to the appropriate Director's staff member. The appellant's copy shall be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

sent via certified mail.

n) The record

the record for a hearing shall include:

1) All notices, motions and rulings;

2) All evidence received;

3) A statement of matters officially noticed;

4) Any offers of proof, objections and rulings;

5) The administrative law judge's recommended decision; and

6) Any ex parte communication prohibited by Section 10-69 of the Illinois Administrative Procedure Act (5 ILCS 100/10-69).

o) Director's decision

1) The Director shall be provided with the record within 30 days after receipt of the record. The Director shall issue a final decision adopting, modifying or reversing the recommended decision. The decision shall include findings of fact and conclusions of law. The Director shall adopt the recommended decision if he or she determines that the recommended decision was supported by substantial evidence. Copies of the final decision shall be sent to the appellant, the appropriate Director's staff member and the administrative law judge.

2) The Director's decision shall constitute a final administrative decision in accordance with Section 3-101 of the Administrative Review Law (335 ILCS 5/3-101) and shall include a statement to that effect.

p) Computation of time

1) The working day on which any notice, decision or order is mailed by the agency shall be excluded in computing time.

2) The working day on which notice is due from a party or action is required by a party shall be included in the computation of time.

3) The date on the document shall be rebuttable evidence that it was mailed on that date.

4) A postmark placed on the envelope by the United States Postal Service shall be conclusive evidence of the date of mailing.

q) Ex parte communication

1) The administrative law judge shall not initiate ex parte communications directly or indirectly in any matter in connection with any substantive issue with any interested person or party. If the administrative law judge receives any such ex parte communication, including any documents, he or she shall inform the other parties of the substance of any such oral communication and provide copies of any such written communication of documents. The other party shall be given an opportunity to review any such ex parte communication.

2) Nothing shall prevent the administrative law judge from communicating ex parte about routine matters such as requests for continuances or opportunities to inspect the file as long as all parties are informed of the substance of the ex parte communication. The date and type of communication, the persons

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

involved--and the results of such routine communications shall be part of the record.

2) Withdrawal of appeal

The appellant may voluntarily withdraw his or her appeal by signed written statement filed with the administrative law judge or by oral statement on the record at any time before the administrative law judge's decision is issued. All parties will receive written notice of the withdrawal.

3) Waiver

Compliance with this Section or with any or all provisions of the Illinois Administrative Procedure Act regarding contested cases may be waived by written stipulation of all parties.

(Source: Repealed by emergency rulemaking at 23 Ill. Reg. 5158-2, effective April 2, 1999, for a maximum of 150 days)

Section 101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) class members
EMERGENCY

a) Applicability

This Section shall apply to decisions concerning the transfer and discharge from community residential settings of Bogard et al. v. Bradley et al. class members. If there is a conflict between this Section and 59 Ill. Adm. Code 115 and 59 Ill. Adm. Code 120 concerning discharge and transfer that apply to class members, this Section will govern.

b) Definitions

For the purposes of this Section, the following terms are defined:

"Administrative law judge (ALJ)." The person appointed by the Secretary Director to preside at the formal administrative hearing and is synonymous with any other term used to refer to the person conducting such hearings.

"Agency." An entity that operates a community residential setting.

"Appellant." The person who requests a hearing.

"Class members." All persons 18 years of age or older with developmental disabilities who, on or after March 23, 1986, resided in an intermediate care or skilled nursing facility in Illinois as a Medicaid recipient for a period of more than 120 days in the aggregate. No person shall be excluded from the class because he or she has a primary diagnosis that is not mental retardation or a related condition, provided that such person also has a condition which meets the definition of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

developmental disability. However, no person first admitted to a nursing facility on or after April 1, 1994, will be a member of the class.

"Community residential setting." One of a variety of living arrangements as long as no more than eight people reside together and the setting is designed to promote independence in daily living, community integration, and economic self-sufficiency. Community residential settings include existing categories such as community integrated living arrangements, community residential alternatives, assisted residential care, supported residential care and adult foster care and may also include newly developed settings which are consistent with these principles.

"Contested case." Has the meaning ascribed to it in Section 1-30 of the IAPA [5 ILCS 100/1-30].

"Days." Working days unless otherwise specified.

"Department." Department of Human Services.

"Department." The Department of Mental Health and Developmental Disabilities. (Section 1-105 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/1-105))

"Developmental disability." A disability that is attributable to mental retardation, regardless of the need for specialized services or a related condition. A related condition meets all of the following conditions:

Is attributable to: cerebral palsy, epilepsy or autism, or any other condition (other than mental illness) found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of individuals with mental retardation and requires treatment or services similar to those required for such individuals;

Is manifested before the person reaches the age of 22;

Is likely to continue indefinitely; and

Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, language, learning, mobility, self-direction, or capacity for independent living.

"Director." The Director of the Department of Mental Health and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Developmental-Disabilities--or-his-or-her-designer (Section 1-108-of-the-Mental-Health-and-Developmental-Disabilities-Code (405-1065-5/1-1987))

"Discharge." The termination of all services provided to an individual in the community residential setting in which the individual resides.

"IAPA." The Illinois Administrative Procedure Act [5 ILCS 100].

"Individual services coordinator." A person employed by a pre-admission screening and annual resident review agent, who is a qualified mental retardation professional, as defined in an Department's rules at 59 Ill. Adm. Code 103, and who acts as an agent of the State in assuring that each class member has an appropriate individualized service plan and that the service plan is implemented.

"Intermediate care facility." Any long-term facility licensed by the Illinois Department of Public Health under the Nursing Home Care Act (210 ILCS 45) as an intermediate care facility.

"Medicaid." The medical benefits program administered by the Illinois Department of Public Aid pursuant to Title XIX of the Social Security Act. (42 USC 4-5-6-A; 196a (1998+1992))

"OBRA Management Unit." A group of individuals charged with coordinating implementation activities under the Bogard et al. v. Bradley et al. consent decree. There is one person designated from each of the Department's Offices of Developmental Disabilities and Rehabilitation Services and one person designated from each of the Departments of ~~Departments-of-Mental Health-and-Developmental-Disabilities~~, Public Aid, ~~Rehabilitation Services~~, Aging and Public Health to serve on the Unit.

"Omnibus Budget Reconciliation Acts of 1987 and 1990 (OBRA) (42 USC 4-5-6e-1396n (1998+1992))." Federal law requiring that an individual with a mental illness or developmental disability have pre-admission screening before placement in a nursing facility. The law also requires an initial and annual assessment of all nursing facility residents having a mental illness or developmental disability to determine if they require the level of care provided by a nursing facility and whether they require specialized services related to their disability.

"Pre-admission screening." A two-phase process of assessing individuals seeking admission to nursing facilities. The first phase identifies individuals suspected of a possible severe

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

mental illness or developmental disability. The second phase requires an assessment and determination of the individual's need for the level of services provided by a nursing facility and need for specialized services.

"Pre-admission screening/annual resident review (PASARR) agents." Entities selected by the Department to carry out the pre-admission screening and resident review services required by OBRA.

"Resident review." A two-phase process to assess individuals residing in nursing facilities. The first phase identifies individuals suspected of a possible mental illness or developmental disability. The second phase requires an assessment and determination of the need of the individual with severe mental illness or a developmental disability for the level of services provided by a nursing facility and the need for specialized services.

"Secretary." The Secretary of the Department of Human Services.

"Skilled nursing facility." Any long-term facility licensed by the Illinois Department of Public Health under the Nursing Home Care Act as a skilled nursing facility.

"Specialized services." A continuous program for each individual. These services include aggressive, consistent implementation of a program of specialized and generic training, treatment health services and related services that are directed toward the acquisition of behaviors necessary for the individual to function physically, intellectually, socially, and vocationally with as much self-determination and independence as possible; and the prevention or deceleration of regression. Specialized services does not include services to maintain generally independent individuals who are able to function with little supervision or in the absence of a continuous specialized services program.

"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

"Transfer." When an individual ceases to be served by one agency and begins to be served by another agency under the same community residential setting without interruption of services.

c) Decisions subject to appeal

Decisions by agencies to discharge or transfer class members shall be appealable pursuant to this Section, except when the agency ceases to

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- provide a particular type of community residential setting.
- d) Representation
The appellant and the agency may be represented during the hearing and appeals process by an attorney or any other person who the appellant or agency chooses. The appellant may also represent him or herself; the agency may represent itself.
- e) Notice
- 1) Notice of an agency decision to discharge or transfer a class member shall be given not less than 30 calendar days before the proposed date of the transfer or discharge. The notice of the decision shall contain:
 - A) A statement of the reason for the transfer or discharge;
 - B) The effective date of the proposed transfer or discharge;
 - C) A statement which reads: "You have a right to appeal the agency's decision. If you think you should not have to leave this program, you must ask the agency to reconsider its decision. If the agency does not change its decision, you may file a request for a hearing with the Department of Human Services Mental Health and Developmental Disabilities within 20 days after receiving this notice. You should send a letter saying why you shouldn't leave the program and asking for a hearing to: Bureau of Administrative Hearings, 100 South Grand Avenue East Hearings--and--Appeals--Section, 401--William--St--Stratton--Building, Springfield IL 62762 62765. If you request a hearing, you will not be transferred or discharged while the appeal is going on unless the individual services coordinator decides that a delay in transfer or discharge would imminently imperil you or others. If you have any questions, call the Department of Human Services, Bureau of Administrative Hearings, Mental Health and Developmental Disabilities at 217/792-6668."
 - D) The name, address and telephone number of the person charged with the responsibility of supervising the transfer or discharge.
 - 2) The notice of the hearing sent by the Department shall contain:
 - A) A statement of the nature of the hearing;
 - B) A statement of the time and place of the hearing or if a pre-hearing conference is scheduled by the Department, the time and place of the conference;
 - C) A reference to the particular Sections of the statute and rules involved;
 - D) A statement of the legal authority under which the hearing is held;
 - E) A concise statement of the matters asserted;
 - F) A statement of the consequences of failing to respond to the notice;
 - G) The official file number;
 - H) The names and addresses of the administrative law judge and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- the parties involved; and
- I) A statement of the right to be represented by the person of the appellant's choice, at his or her expense.
- 3) All notices under this Section shall be served either personally or by certified mail on the class member and guardian, if any, the class member's individual service coordinator and the agency. If the agency knows that the class member cannot read English, the notice shall be explained to him or her orally in his or her primary language, including sign language.
- 4) The Department shall send a notice of hearing and notice of pre-hearing conference within five days after receipt of the request for a hearing. The administrative law judge shall schedule the hearing to be held no later than 10 days from the date of the notice.
- f) Exhaustion of agency remedies
The class member shall use any agency procedure for appealing the decision before requesting a hearing from the Department.
- g) Transfer or discharge pending a hearing
No transfer or discharge shall proceed pending the Secretary's Director's decision, except as provided for in subsection (h) of this Section.
- h) Emergency discharges
When the physical safety of the class member or others is imminently imperiled and appropriate services are not available at the agency, the class member shall be discharged as soon as arrangements can be made for admission to another facility only if the individual service coordinator, after reviewing the class member's record, gathering the necessary clinical information, and meeting with the class member, determines that a delay in discharge would imminently imperil the physical safety of the class member or others and has documented that in the class member's record. In that case notice shall be given in accordance with subsection (e) of this Section as soon as possible but in no case later than 48 hours after the discharge. The hearing shall be held within the time specified in subsection (e)(4) of this Section at the receiving facility, unless the administrative law judge determines that either of the parties would not be able to completely present its case at the receiving facility within the specified time. The discharging facility shall hold the class member's bed open until the appeal is resolved.
- i) Qualifications of administrative law judge
Administrative law judges shall meet the qualifications set out in the Department's rules at 89 Ill. Adm. Code 506.2-fff-Adm-Code-1057.
- j) Disqualification of administrative law judge
At any time prior to the issuance of the hearing officer's recommended decision, the appellant or the agency may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Such a motion shall be made in writing to the Secretary Director, with a copy to the administrative law judge, setting out the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge's employment or contract as an administrative law judge by the Department is not, in and of itself, a conflict of interest. The appeal shall be suspended until the Secretary Director rules on the motion. The Secretary Director may decline to disqualify the administrative law judge, appoint another administrative law judge to hear the case or decide that the appeal should be granted.

- k) Pre-hearing conferences
 - 1) The administrative law judge may schedule a pre-hearing conference at his or her discretion. This conference shall be held prior to the hearing and shall be for the purpose of considering:
 - A) A clarification of the issues;
 - B) The possibility of obtaining admissions of fact and of documents that would avoid unnecessary proof or testimony;
 - C) The possibility of a resolution of the case without a hearing; and
 - D) Any other matters that may aid in the disposition of the appeal.
 - 2) The administrative law judge shall invite the class member, the class member's guardian, if any, and a representative of the agency to attend the pre-hearing conference. Other persons may attend at the discretion of the administrative law judge. If the class member's guardian or the agency's representative invite other persons, they shall notify the administrative law judge of the invitee's identity at least 24 hours before the pre-hearing conference.
 - 3) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the administrative law judge shall issue an order reciting the agreement and dismissing the appeal. Copies of the order shall be sent to the appellant, the agency and the Department's representative from the OMR Management Unit. The appellant's and agency's copies shall be sent by certified mail.
- l) Discovery
 - 1) Discovery such as interrogatories and depositions as provided for in the Rules of the Illinois Supreme Court (S. Ct. Rule 1 et seq.) is at the discretion of the administrative law judge. Requests to take discovery shall be made in writing to the administrative law judge with notice to all parties. Discovery may only be taken with the prior permission of the administrative law judge and is subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].
 - 2) Each party shall, on request by another party or the administrative law judge, serve on all other parties a list of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

potential witnesses who may be called on to testify at the hearing. Such list shall include the address or place of employment of each witness and shall be served within seven days after the receipt of the request.

- 3) The appellant shall, on request, be allowed to inspect and copy any documents which the agency intends to submit at the hearing. Such request shall be made at least two days before the hearing.

m) Conduct of hearings

- 1) All hearings shall be closed to the public. However, individuals who request to attend a hearing may do so with the appellant's consent.
- 2) The administrative law judge:
 - A) Shall regulate the course of the hearing;
 - B) Shall dispose of procedural requests;
 - C) May continue the hearing from time-to-time when necessary;
 - D) May examine witnesses; and
 - E) Shall rule on the relevancy of evidence.
- 3) At the hearing, both parties may present written and oral evidence. The agency shall have the burden of proving that there was substantial evidence to support its decision. After the agency's presentation, the appellant may present written and oral evidence. Written opening or closing arguments, legal memoranda, trial briefs or similar documents shall be permitted on motion granted or if the parties so stipulate. This requirement shall not prohibit the administrative law judge, sua sponte, from requesting that certain issues be briefed by the parties.
- 4) Standards
 - A) A class member may not be transferred unless the transfer is consistent with the class member's service needs.
 - B) A class member may not be discharged unless the discharge is consistent with the class member's service needs or unless the class member does not meet the program's eligibility criteria.
- 5) Evidence
 - A) The rules of evidence and privileges as applied in the circuit courts of this State shall apply in these hearings. However, evidence not admissible under such rules shall be admitted if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
 - B) A party may conduct cross-examination of a witness subject to the evidentiary requirements in subsection (m)(5)(A) of this Section.
 - C) Notice may be taken of matters of which the circuit court of this State may take judicial notice. In addition, notice may be taken of generally recognized scientific or technical facts within the Department's specialized knowledge.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Parties shall be notified before or during the hearing of the material noticed and shall be given an opportunity to contest the material so noticed.

- 6) The hearing shall be either taped or stenographically recorded at the hearing officer's discretion. The Department shall retain the tape or a copy of the transcript. If the appellant or the agency appeals the Secretary's decision, a copy of the tape or the transcript shall be provided to the appellant and the agency on request.

- n) Administrative law judge's recommended decision
Within 20 days after the hearing, the administrative law judge shall issue his or her recommended decision to the Secretary. The decision shall contain findings of fact, conclusions of law, the reasons for the decision and a recommended disposition of the case. Copies of the decision shall be sent to both parties by certified mail. A copy shall also be sent to the Department's representative from the OBRA Management Unit.

- o) Post-hearing briefs

1) Both parties shall be given the opportunity to submit a brief to the Secretary in response to the administrative law judge's recommended decision. The appellant or the agency must notify the Secretary within five days after receipt of the recommended decision if the appellant or the agency intends to submit a brief. Briefs shall be submitted no later than 20 days after receipt of the recommended decision, unless the administrative law judge grants a party's request for additional time. Briefs shall be no longer than 10 pages unless the administrative law judge grants a party's request to submit a longer brief. A copy of the brief shall be sent to the other party.

- 2) If either party submits a brief, the other party may submit a reply brief to the Secretary. The appellant or the agency must notify the Secretary in writing within five days after receipt of the brief if it intends to submit a reply brief. Reply briefs shall be submitted no later than 10 days after receipt of the brief.

- p) The record

The record for a hearing shall include:

- 1) All notices, motions and rulings;
- 2) All evidence received and admitted;
- 3) A statement of matters officially noticed;
- 4) Any offers of proof, objections and rulings;
- 5) The administrative law judge's recommended decision; and
- 6) Any ex parte communication prohibited by Section 10-60 of the TAPA [5 ILCS 100/10-60].

- q) Secretary's decision

1) The Secretary shall be provided with the record and all briefs, if any. Within 20 days after receipt of the record or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

the post-hearing brief (if any), whichever is later, the Secretary shall issue a final decision adopting, modifying or reversing the recommended decision. The decision shall include findings of facts and conclusions of law. The Secretary shall adopt the recommended decision if he or she determines that the recommended decision was supported by substantial evidence. Copies of the final decision shall be sent to the appellant, the agency, the Department's representative from the OBRA Management Unit, and the administrative law judge. The appellant's and agency's copies shall be sent by certified mail.

- 2) The Secretary's decision shall constitute a final administrative decision in accordance with the Administrative Review law [735 ILCS 5/Art. III] and shall include a statement to that effect.

- r) Miscellaneous

- 1) Ex parte communications

Unless all parties are given notice and an opportunity to participate, the administrative law judge or the Secretary shall not, after notice of hearings or other on-the-record proceeding, communicate directly or indirectly, in connection with any other issues, with:

- A) Any party;
- B) His or her representative; or
- C) Any other person interested in the outcome of the proceeding.

- 2) Intra-Departmental communications

A Department employee may communicate with other employees of the Department, and the administrative law judge or Secretary may have the aid and advice of one or more personal assistants.

- 3) Waiver

Compliance with this Section or with any or all provisions of the IAPA regarding contested cases [5 ILCS 100/10-25] may be waived by written stipulation of all parties.

(Source: Amended by emergency rulemaking at 23 Ill. Reg.

effective April 2, 1999, for a maximum of 150 days)

Section 101.80 Conflict of interest

EMERGENCY

- a) The Department of Human Services Mental-Health-and-Developmental Disabilities has various statutory responsibilities regarding persons placed in nursing homes and sheltered-care homes which are subject to State state licensure. The Department's statutory duties include monitoring of the levels of care given by the homes and input into the licensing process on such matters as staffing and program. It is,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

dismissal of employees.

- f) Department's statutory, clinical and legal responsibilities
 - 1) The Department has extensive statutory, clinical and legal responsibilities toward those persons it serves as recipients of those services. The provision of these services require that staff make, on a daily basis, decisions about the care, treatment and well-being of those recipients. One of the decisions staff may be called upon to make is the proper placement of a recipient in a foster home.
 - 2) The Department also has various monitoring responsibilities regarding persons placed in foster homes, including the level of care and input into the continuation of the foster placement. At various times, Department staff may be called upon to appear and testify in court as to the appropriateness of the foster placement.
 - 3) In view of these responsibilities, it is mandatory that no Department employee become a foster parent of a present or former recipient served in any facility wherein the employee is employed. To do so would place the employee in the position of making clinical decisions as an employee which directly affect the employee's position as a foster parent. Moreover, the recipient may be subject to unequal treatment as an inpatient by the employee due to his or her foster status as the employee's foster child. This situation creates both a conflict of interest as to the provision of services by the employee and the receipt of services by the recipient.
 - 4) This provision shall have prospective application from the date of its promulgation. Exceptions to the foregoing provision may be granted, upon proper application, by the Secretary Director, if sufficient clinical bases exist to support such action.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 2, 1999, for a maximum of 150 days)

Section 101.90 Specialized living centers

EMERGENCY

A specialized living center shall be considered to be in compliance with Section 3.06 of the Specialized Living Centers Act (405 ILCS 25/3.06) ~~that~~ ~~Rev--Stat--1979--Chapt--91-3/2--Par--669-967 for the conduct, maintenance and operation of a specialized living center so long as it is licensed by the Illinois Department of Public Health as an intermediate care facility for the developmentally disabled and is in conformance with the Department of Public Health's rules at 77 Ill. Adm. Code 350 Health-adopted rules-and-regulations relating thereto.~~

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective April 2, 1999, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 101.100 Community mental health and developmental disabilities service provider participation fee trust fund

EMERGENCY

a) Definitions

For the purposes of this Section, the following terms are defined:

"Actual payments." The absolute amount of Medicaid payments received by a provider from the Department, per written agreement, for the delivery of Medicaid-reimbursable services during the fee year.

"Applicable provider" or "provider." A community agency from which the Department purchases services through payments that which are matched by federal funds under Medicaid and that which the Department has determined to be subject to the provider participation fee.

"Days." Calendar days, unless otherwise specified.

"Department." The Department of Human Services Mental-Health--and Developmental-Disabilities.

"Fee." A fee that each applicable provider shall submit to the community mental health and developmental disabilities services provider participation fee trust fund.

"Fee year." The fiscal year beginning July 1 and ending June 30 for which the fee amount applies.

"Fund." The community mental health and developmental disabilities services provider participation fee trust fund comprising the fees submitted by applicable providers, the interest accrued on the fees, and the related federal Medicaid matching funds.

"Medicaid." Medical assistance issued by the Illinois Department of Public Aid, under the provisions of Title XIX of the Social Security Act (42 USCA 1396a-1396 (1998)) et seq--1983, for eligible recipients, including Aid to the Aged, Blind and Disabled (ABDD), Temporary Assistance to Needy Families (TANF) Aid--to--Families--with--Dependent--Children--(APDE), Medical Assistance No Grant (MANG), and Refugee Repatriate Program (RRP) recipients, as well as Title XIX eligible Department of Children and Family Services (DCFS) wards.

"Medicaid payments." Payments made by the Department for services covered under Medicaid for which the State receives federal

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

matching funds.

"Medicaid reimbursed services." A service provided by a provider under an agreement with the Department for which the State receives reimbursement from the Medicaid program and which is subject to the fee process.

"Projected payments." The estimated amount of Medicaid payments to be received by a provider from the Department, per written agreement, for the delivery of Medicaid-reimbursable services during the fee year.

b) Fees

- 1) Calculation of projected fees

Each year the Department shall calculate a fee which shall be paid by applicable providers. The fee amounts due to the fund by applicable providers shall be based on the projected amount of Medicaid payments to be made by the Department to the provider for the year taking into consideration:

 - A) The unit rates for services;
 - B) The units of service billed by the assessed provider for the year prior to the fee year; and
 - C) Any other factors which will influence a change in the number of units of service to be billed during the fee year.
- 2) Differential fee collection schedule

A) The Department shall establish a differential fee collection schedule for any provider whose projected Medicaid payments during the current fee year exceeds the actual Medicaid payments for the year prior to the fee year by more than 20 percent.

B) The Department shall establish a differential fee collection schedule for such providers which reflects the increasing payments for the current fee year.

C) The differential fee collection schedules for these providers will require lesser fee submittals during the first quarter with gradually increasing fee submittals according to the providers' projected growth in Medicaid receipts.
- 3) Adjustment of inaccurate projections

A) If the Department determines that any fee amount assessed a provider was incorrect, the Department will correct the fee error.

 - i) The Department will issue a revised fee amount for the quarter.
 - ii) The Department will adjust the fee amounts due for subsequent quarters of the fee year.

B) The Department shall monitor quarterly the ratio of actual to projected total gross payments for those assessed

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

providers whose estimated increase in gross total payment for the fee year is expected to exceed 20 percent.

- i) When the accumulated actual fees due to the fund by the assessed provider differ by more than 10 percent from the accumulated projected fees, the Department shall issue a revised fee amount for the immediate calendar quarter and a revised collection schedule for the remainder of the fee year. When this occurs, the provider shall submit the revised fee amount within 30 days after the date of postmark on the Department's written notification of the change.
 - ii) When the accumulated actual fees due to the fund by an assessed provider are less than the accumulated projected fee amounts, the Department shall return to the provider the appropriate share of overpaid fees.
- 4) Calculation of provider participation fees

The Department shall multiply the projected Medicaid payments for services which it has determined to be subject to the provider participation fee for the fee year of individual providers by any amount not greater than 15 percent to determine the fee amount owed to the fund.

5) Notification of fee due date

The Department shall notify each assessed provider, in writing, of the amount of the fee 30 days prior to the required fee due date. The Department may modify the notification timeframes and extend the required fee due date for good cause shown.

 - A) Each provider shall submit the specified fee in equal quarterly amounts on or before the first business day of each calendar quarter.
 - B) Due dates for provider submission of quarterly fee payments shall be January 2, April 1, July 1, and October 1, or, if these dates are on weekends or holidays, the first business day immediately following.

7) Delayed fee collection schedules

 - A) The Secretary ~~Bureau~~ of the Department is authorized to establish delayed fee collection schedules for providers that are unable to make timely payments due to financial difficulties.
 - B) Delayed fee collection schedules shall be granted only under extraordinary circumstances to qualified providers that meet all of the requirements in subsections (b)(7)(C) and (D) below.
 - C) Denial of an application to borrow provider participation fee funds from a financial institution or other lending entity.
 - D) A signed written agreement with the Department specifying the terms and conditions of the delayed fee collection

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- schedule, which shall contain the following provisions:
- i) Specific reason(s) for the establishment of the delayed fee collection schedule;
 - ii) Specific dates on which submission of the fees will be received by the Department and the amount of the fees which will be received on each specified date described;
 - iii) The interest that shall be due from the provider as a result of the establishment of the delayed fee collection schedule;
 - iv) A certification stating that, should the provider entity be sold, the new owners shall be made aware of the liability and shall assume responsibility for repaying the debt to the Department in accordance with the original agreement;
 - v) A certification stating that all information forwarded to the Department in support of the establishment of the delayed fee collection schedule request is true and accurate to the best of the signatory's knowledge; and
 - vi) Such other terms and conditions that may be required by the Department.
- E) In order to receive consideration for delayed fee collection schedules, providers shall forward their requests in writing (telex) requests are acceptable) to the Department. Requests must be received within five working days after of the date of the Department's notification of the provider participation fee due for the subject quarter. All telex requests must be followed-up with original written requests. All requests shall include:
- i) An explanation of the circumstances creating the need for the delayed fee collection schedule;
 - ii) Supportive documentation to substantiate the emergency nature of the request and risk of irreparable harm to the provider's clients;
 - iii) Specification of the arrangements being requested by the provider.
- F) The Department shall notify the provider, in writing, of its decision with regard to the request for the establishment of a delayed fee collection schedule. An agreement shall be issued to the provider for all approved requests. The agreement shall be signed by the provider's administrator, owner, chief executive officer, or other authorized representative and must be received by the Department before the first scheduled fee submission date listed in the delayed fee collection schedule.
- i) The Department shall waive the penalties for delinquent and/or deficient fee submittal upon the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- approval of the provider's request for establishment of a delayed fee collection schedule. When a provider's request for establishment of a delayed fee collection schedule is approved and the Department receives the signed agreement in accordance with this subsection, such penalties shall be permanently waived for the subject quarter unless the provider reneges on the conditions of the agreement. When the provider reneges on the conditions of the agreement, the agreement shall be considered null and void and such penalties shall be fully reinstated.
- ii) The delayed fee collection schedule shall include interest at a rate not to exceed the State's borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (b)(7)(E) above.
 - iii) When a provider has requested and received Department approval for a delayed fee collection schedule, the provider shall not receive approval for subsequent delayed fee collection schedules until such time as the terms and conditions of any current delayed fee collection agreement has been satisfied. The waiver of penalties described in subsection (b)(7)(F)(i) above shall not apply to a provider that has not satisfied the terms and conditions of any current delayed fee collection agreement.
- 8) Penalty for delinquent or deficient fees
- Any provider that fails to submit the fee when due, or submits less than the full amount due, shall be assessed a penalty of 10 percent of the delinquency or deficiency for each month, or fraction thereof, computed on the full amount of the delinquency or deficiency, which includes any penalty accrued and not paid, from the time the fee was due.
- 9) Notification to comptroller
- A) The Secretary Director may take action to notify the Office of the Comptroller to collect any amount of monies owed by the provider to the fund.
 - B) The Secretary Director may take action against providers failing to submit any delinquent or deficient fee or penalty including:
 - i) Suspension of payments;
 - ii) Cancellation of the provider contract or agreement; and
 - iii) Refusal to issue, extend, or reinstate the provider contract or agreement.
- c) Local government funds certification
- Providers may use local government funds as a source to meet their obligated, quarterly assessed fee amount in part or in whole.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) If local government funds are used, the provider shall certify the planned spending of these local funds for the specified services in lieu of actual cash payment to the fund by providing a statement from each local government funder stating the intent of that funder to contribute the applicable portion of the fee amount, signed by the chairperson of the local government funder taxing authority.
- 2) If the certification process is used, the provider shall submit to the Department, by October 31 of the year following the fee year, an annual audit statement from a certified public accounting firm which demonstrates that the local government funds were spent for the intended service and in the amounts required according to the fee amount.
- 3) Expenditure of funds on Medicaid services
 - A) If the local government funds were not spent for the Medicaid service as required:
 - i) The provider shall submit to the State by October 31 of the year following the fee year the amount of the fee which was not spent;
 - ii) A fine equal to 25 percent of the amount of the fee not properly covered by the local government funds certification process.
 - B) This payment shall be submitted to the State Treasury by October 31 of the year following the fee year.
- d) Deposit of revenue
 - 1) Deposits to the fund shall consist of:
 - 1) Federal revenues received under Title XIX of the Social Security Act as a result of the increased rates paid by the Department to providers of Medicaid-reimbursable services;
 - 2) The fees paid by providers of Medicaid-reimbursable services under agreement with the Department which are eligible for reimbursement from Medicaid and which are subject to the fee process;
 - 3) The interest earned on the deposits to the fund; and
 - 4) The revenues generated from fines and penalties levied by the Department on providers in accordance with subsection (c)(3).
- e) Protection from reduction
 - 1) The moneys in the fund shall be exempt from any State budget reduction Acts.
 - 2) The funds shall not be used to replace any funds otherwise appropriated to the Medicaid program by the Illinois General Assembly.
- f) Administration of contingency reserves
 - 1) Moneys paid from the fund shall be used first to:
 - A) Pay for the administrative expenses incurred by the Department in performing the duties authorized by Section 160-18.1 of the Department--of Mental Health and Developmental Disabilities Administrative Act [20 ILCS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1705/18.11 ~~111-Rev-Stat-1989-ch-91-1/2-par-160-10-17 added by PA-87-437-effective-July-24-1991;~~
 - B) Pay any amounts reimbursable to the federal government, which are required to be paid by State warrant.
 - 2) Disbursements from the fund shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Department.
 - 3) The Department shall establish a contingency reserve not to exceed three percent in any fee year of the total amount of the revenues described in subsection (d).
- g) Fund expenditures
 - 1) The Department shall spend 100 percent of the moneys in the fund during the fee year from which the monies were collected to reimburse providers for the delivery of Medicaid services less:
 - 1) The administrative expenses incurred in performing the duties authorized by Section 160-18.1 of the Department-of Mental Health and Developmental Disabilities Administrative Act; and
 - 2) A maximum of three percent of the total deposits made to the fund in any fee year for the contingency reserve.
- h) Provider assurance
 - 1) In the aggregate, providers under contract with the Department to provide Medicaid reimbursable services that are subject to the fee payment process are entitled to a return of 100 percent of the fee amount paid during any fee year:
 - A) Plus the federal funding portion;
 - B) Less the administration expenses incurred by the Department in performing the activities authorized; and
 - C) Less the allowed three percent contingency reserve.
 - 2) No provider shall receive back less than the amount required as a fee for any given fee year.
- i) Department records
 - 1) The Department shall maintain records showing the amount of money paid by each provider into the fund and the amount of money that has been paid from the fund to each provider for each fee year.
- j) Annual audit
 - 1) The Department shall conduct an annual audit of the fund to determine that:
 - A) Receipts were appropriate and accurate;
 - B) Disbursements were appropriate and accurate;
 - C) Delayed fee collection schedules were justified and approved;
 - D) Interest and penalties were properly calculated and imposed;
 - E) Local government funds were properly certified;
 - F) Contingency reserves were accurately calculated;
 - G) Records were appropriate, complete and correct.
 - 2) Any errors or deficiencies identified as a result of such audit shall be corrected on a timely basis.
- k) Fee correction and recovery

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

If the Department's annual audit identifies erroneous fee or reimbursable payment amounts, then it shall:

- 1) Correct the fee payment amount and any related fine and notify the provider;
- 2) Correct the reimbursable payment amount to the provider; or
- 3) Take the action necessary to recover the required fee or reimbursed payment amount from the provider.

1) Applicability of provider participation fees

1) The Department shall determine which services and which providers will be subject to the provider participation fees.

- 2) The Department may choose to terminate or revise its policies concerning the computation and/or collection of provider participation fees if laws or regulations are implemented affecting state financing of Medicaid services with mandatory provider participation fees.

- 3) If the Department terminates the collection of provider participation fees and a positive balance remains in the fund, the Department shall expend the balance as follows:

- A) Refund to each provider any portion of the annual fees the provider had submitted, but for which the provider had not yet been reimbursed;
- B) Expend whatever is required for any outstanding costs related to the administration of the provider participation fee initiative or to its termination.
- C) Distribute any remaining balance among contributing providers proportionally to each provider's contributions to the fund during the 12-month period prior to termination.

m) Appeals procedure

- 1) Appealable decisions - A provider may request a hearing on the following issues:

- A) The initial assessment or change in the amount of the required payment;
- B) An audit finding that a provider is required to reimburse the Department for a fee or payment.

- 2) Notice of appeal rights - The Department shall inform the provider of the right to appeal and the appeal procedure whenever the provider is notified of the initial assessment or change in the amount of the required payment, or of an audit finding that a provider is required to reimburse the Department for a fee or payment.

- 3) Request for hearing - A provider may appeal the Department's decision by requesting a hearing in writing within 10 days after receipt of the decision. The request shall be sent to:

Bureau of Administrative Hearings
Department of Human Services
100 South Grand Avenue East
Hearings-and-Appeals-Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Department-of-Mental-Health-and
--Developmental-Disabilities

401-South-Spring-Street

Springfield IL 62762 62965

- 4) Stay of proceedings - The request for an appeal shall stay any proceedings or decision taken concerning the provider until the resolution of the appeal.

- 5) Upon request of the provider at any time prior to the scheduled hearing, the provider may request an informal conference with the Division of Disability and Behavioral Health Administrative Services to determine the facts and issues and to resolve any conflicts as amicably as possible.

- 6) Hearing officer - The hearing shall be conducted by a hearing officer appointed by the Secretary-Brester.

- 7) Scheduling and notice of hearings - Within 60 days after the receipt after the appeal, the hearing officer shall schedule a hearing, to be held in the Department's central offices or a place agreed to by the hearing officer, the Department staff involved and the provider. The hearing officer shall send written notice of the hearing to the provider via certified mail. The notice shall contain:

- A) A statement of the nature of the hearing;
- B) A statement of the time and place of the hearing;
- C) A statement of the right to be represented by an attorney at the provider's expense.

- 8) Continuances - The hearing officer may, upon good cause shown, grant a continuance requested by the provider.

9) Conduct of hearings

- A) The hearing officer shall regulate the course of the hearings; hold informal conferences for the purpose of resolving the case; dispose of procedural issues; continue the hearing from time to time when necessary; examine witnesses and rule upon the relevancy of evidence.

- B) At the hearing, the provider and the Department may present written and oral evidence. The Department shall have the burden of proving by substantial evidence that the decision was made in accordance with the statutes and this Section. Upon conclusion of the Department's presentation, the provider may present written and oral evidence.

- C) The common law rules of evidence shall not be enforced in the hearing. The hearing officer shall conduct the hearing in a manner that allows participants to present their evidence fully and freely. Either party may ask questions of each other or any witness. The hearing officer may ask questions of either party or any witness. Questions impeaching the witness' character or credentials shall be improper.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

D) The hearing shall be taped or stenographically recorded. The tape or a copy of the transcript shall be retained by the Department. If the provider appeals the hearing officer's decision, a copy of the record shall be provided to the provider upon request.

10) Standard of review - In all appeals, the hearing officer shall decide whether there was substantial evidence showing that the Department's decision was made in accordance with statute and this Section.

11) Decision - Within 10 working days after the hearing, the hearing officer shall issue a written decision that upholds, modifies or reverses the Department's decision. The decision shall contain the reasons for the hearing officer's action. The hearing officer shall mail copies to the provider and the Department via certified mail. The decision shall be accompanied by a letter that informs the provider of the right to appeal the decision and state the procedure for requesting an appeal.

12) Appeal of the hearing officer's decision
A) The provider may request a review of the hearing officer's decision by the Secretary ~~Biretor~~ or his or her designee no more than 20 days after the receipt of the hearing officer's decision.

B) Upon receipt of the request for review, the Secretary ~~Biretor~~ or designee shall review the hearing officer's decision and copies of all documents considered at the hearing. Within 20 working days after receipt of the request for review, the Secretary ~~Biretor~~ or his or her designee shall issue a decision upholding, modifying or reversing the hearing officer's decision. The Secretary ~~Biretor~~ or his or her designee shall uphold the decision if he or she determines that the decision was supported by substantial evidence. Copies of the decision shall be sent to the provider, the Department and the hearing officer.

C) The Secretary's ~~Biretor's~~ decision shall constitute a final administrative decision in accordance with Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101] (~~titir-Rev-7 Stat--1989-9-18-110-3-101-et-seq-7~~).

(Source: Amended by emergency rulemaking at 23 Ill. Reg. _____, effective April 2, 1999, for a maximum of 150 days)

Section 101.110 Hearings and appeals under Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8]

EMERGENCY

The Department shall recover grant funds in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705] if it believes the funds have been misspent or improperly held. If the grantee agency disagrees with the Department's

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

decision to recover funds, it may appeal the decision, and the Department shall conduct a hearing in accordance with this Section.

a) Criteria for recovery
Grant funds shall be subject to recovery if the Department finds that the grant funds:

- 1) Received by the agency are in excess of actual reimbursable expenses by program;
- 2) Were transferred between programs, unless permission was requested of the Department in writing and was approved;
- 3) Were not spent for the purposes specified in the grant agreement; or
- 4) Were not expended or expended by the expiration date of the grant.

b) Informal hearing
If the Department believes that grant funds received by a grantee agency are subject to recovery under the Illinois Grant Funds Recovery Act, it shall notify the agency's chief executive officer of that fact in writing via certified mail. The letter of notification shall contain:

- 1) The amount the Department believes is subject to recovery;
- 2) An offer to have an informal hearing with Department staff to resolve issues before issuing a notice of intent pursuant to subsection (c) of this Section; and
- 3) A statement that any agency wishing to have an informal hearing must request an informal hearing in writing within 15 calendar days after receipt of the Department's letter of notification. The Department shall schedule the hearing within 60 days after the receipt of the agency's request. The agency shall send its letter of request to:

Offices Department of Mental Health and
Developmental Disabilities
100 North 9th Street
Springfield IL 62765
Attn: Grant Funds Recovery Act Appeals

c) Notice of intent to recover

If the informal hearing does not resolve the matter or if the agency does not request a hearing within the time specified in subsection (b) of this Section, the Department shall send a notice of intent to recover to the agency's chief executive officer via certified mail. Such notice shall include the amount to be recovered, the facts permitting recovery, a statement of right to appeal the Department's findings, a description of the appeal procedure and a statement that if the agency does not appeal or respond to the letter, the Department shall take action to recover the amount specified.

d) Request for an appeal
An agency wishing to appeal may do so by sending a letter to the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Department requesting an appeal. The letter shall be sent within 35 calendar days after receipt of the notice of intent to recover sent to the Department at the address in subsection (b)(3) of this Section. The appeal shall follow the procedures of 89 Ill. Adm. Code 508.

e) Stay of proceedings

The request for a hearing shall stay any further action by the Department to recover the funds until the resolution of the appeal.

f) The Department shall have the burden of proving by substantial evidence that the funds were subject to recovery, as defined in subsection (A) of this Section. On conclusion of the Department's presentation, the agency may present written and oral evidence.

4) Administrative law judge

The hearing shall be conducted by an administrative law judge appointed by the Department's Director.

g) Scheduling and notice of hearings

Within 60 calendar days after receipt of the appeal, the administrative law judge shall schedule a hearing to be held in the Department's central offices or a place agreed to by the administrative law judge, the Department staff involved, and the agency. The administrative law judge shall send a written notice of the hearing to the agency via certified mail at least 10 days before the hearing. The notice shall contain a statement of:

- 1) The nature of the hearing;
- 2) The time and place of the hearing; and
- 3) The right to be represented by an attorney at the agency's expense.

h) Continuances

The administrative law judge may, on good cause shown, grant a continuance if requested by the agency.

i) Conduct of hearings

- A) The administrative law judge shall regulate the course of the hearings.
- B) Hold informal conferences for the purpose of resolving the case.

C) Dispose of procedural issues?

1) Continue the hearing from time to time when necessary;

2) Examine witnesses; and

3) Rule upon the relevance of evidence.

4) At the hearing, the agency and the Department may present written and oral evidence. The Department shall have the burden of proving by substantial evidence that the funds were subject to recovery, as defined in subsection (A) of this Section. On conclusion of the Department's presentation, the agency may present written and oral evidence.

5) The common law rules of evidence shall not be enforced in the hearing. The administrative law judge shall conduct the hearing in a manner that allows participants to present their evidence fully and freely. Either party may ask questions of each other

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

or any witness, and the administrative law judge may ask questions of either party or any witness. Questions impeaching the witness's character or credentials shall be improper.

4) The hearing shall be taped or stenographically recorded, and the Department shall retain the tape or a copy of the transcript. The agency shall be given a copy of the tape or transcript upon request.

g) Standard of review

In all appeals, the administrative law judge shall determine whether there was substantial evidence supporting the Department's findings that the funds were subject to recovery.

h) Recommended decision

Within 35 working days after the close of evidence, the administrative law judge shall issue a written decision that recommends upholding, modifying or reversing the Department's findings. The recommended decision shall contain the reasons for the administrative law judge's action. The administrative law judge shall mail copies to the agency, the Department's Chief, Bureau of Community Fiscal Services, and the Department's Director. The agency's copy shall be sent via certified mail.

h) Final administrative decision and recovery order

1) The Director or his or her designee shall review the administrative law judge's recommended decision and documents considered at the hearing. Within 20 working days after receipt of the recommended decision, the Director or his or her designee shall issue a final decision adopting, modifying or reversing the administrative law judge's recommended decision. If the Director or his or her designee determines that the recommended decision was supported by substantial evidence, he or she shall adopt the recommended decision. If the Director determines that the funds are subject to recovery, he or she may specify the method of recovery. Copies of the final decision shall be sent to the agency, the Department, and the administrative law judge. The agency's copy shall be sent via certified mail. If the Secretary Director or his or her designee holds that the funds were subject to recovery, the Secretary Director shall issue a recovery order for the funds.

2) The Director's or his or her designee's decision shall constitute a final administrative decision in accordance with Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101].

(Source: Amended by emergency rulemaking at 23 Ill. Reg.

effective April 2, 1999, for a maximum of 150 days)

STATE BOARD OF ELECTIONS

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Established Political Party and Independent Candidate Nominating Petitions
- 2) Code Citation: 26 Ill. Adm. Code 201
- 3) Section Numbers: 201.60
Action: Withdraw
- 4) Date Notice of Proposed Rules Published in the Register: May 14, 1998, 22 Illinois Register 7858, Issue 19
- 5) Date JCAR Statement of Objection Published in the Register: March 5, 1999, 23 Ill. Reg. 2820
- 6) Summary of Action Taken by the Agency: The proposed rule is withdrawn.

STATE BOARD OF ELECTIONS

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: New Political Party Nominating Petitions
- 2) Code Citation: 26 Ill. Adm. Code 202
- 3) Section Numbers: 202.60
Action: Withdraw
- 4) Date Notice of Proposed Rules Published in the Register: May 14, 1998, 22 Illinois Register 7862, Issue 19
- 5) Date JCAR Statement of Objection Published in the Register: March 5, 1999, 23 Ill. Reg. 2821
- 6) Summary of Action Taken by the Agency: The proposed rule is withdrawn.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 6, 1999 through April 12, 1999 and have been scheduled for review by the Committee at its April 20th or May 18, 1999 meetings in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/21/99	Pollution Control Board, Hospital/Medical/ Infectious Waste Incinerators (35 Ill Adm Code 229)	12/28/98 22 Ill Reg 22177	4/20/99
5/19/99	Department of State Police, Repeal of Law Enforcement Agencies Data System (LEADS) (20 Ill Adm Code 1240)	12/18/98 22 Ill Reg 21801	5/18/99
5/19/99	Department of State Police, Law Enforcement Agencies Data System (LEADS) (20 Ill Adm Code 1240)	12/18/98 22 Ill Reg 21835	5/18/99
5/21/99	State Board of Elections, Campaign Finance (26 Ill Adm Code 100)	1/15/99 23 Ill Reg 623	5/18/99
5/21/99	State Board of Elections, Practice and Procedure (26 Ill Adm Code 125)	1/22/99 23 Ill Reg 829	5/18/99
5/22/99	Department of Professional Regulation, Illinois Certified Shorthand Reporters Act of 1984 (68 Ill Adm Code 1200)	12/4/98 22 Ill Reg 20726	5/18/99
5/22/99	Department of Human Services, Temporary Assistance for Needy Families (89 Ill Adm Code 112)	1/8/99 23 Ill Reg 384	5/18/99
5/22/99	Department of Human Services, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	1/4/99 23 Ill Reg 37	5/18/99

STATE BOARD OF ELECTIONS

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Approval of Voting Systems
- 2) Code Citation: 26 Ill. Adm. Code 204
- 3) The Notice of Adopted Rules being corrected appeared at: 23 Ill. Reg. 3943, April 2, 1999
- 4) The information being corrected is as follows:

204.40 -- Differences between Proposed and Final Versions should note a change of date in new subparagraph (7) from April 1, 1999 to July 1, 1999 for the date by which voting systems must be Y2K compliant.

204.120 -- Differences between Proposed and Final Versions should note a change of date from April 1, 1999 to July 1, 1999 by which certificates of compliance must be submitted.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/22/99	Department of Human Services, Services (89 Ill Adm Code 590)	1/29/99 23 Ill Reg 1216	5/18/99
5/22/99	Procurement Policy Board, Rulemaking and Organization (2 Ill Adm Code 3000)	2/5/99 23 Ill Reg 1487	5/18/99
5/22/99	Procurement Policy Board, Freedom of Information (2 Ill Adm Code 3001)	2/5/99 23 Ill Reg 1473	5/18/99
5/22/99	Procurement Policy Board, General Policies (2 Ill Adm Code 3002)	2/5/99 23 Ill Reg 1481	5/18/99

99-7
EXECUTIVE ORDER
CREATING THE OFFICE OF STATEWIDE
PERFORMANCE REVIEW

WHEREAS, a comprehensive performance review of Illinois State agency programs and regulations has not been conducted since 1986;

WHEREAS, Illinois' citizens deserve a State government that operates with maximum efficiency, fairness and candor;

WHEREAS, Illinois' business community can compete most effectively when free from unnecessary State regulation that stifles creativity and growth;

WHEREAS, State government performs best when its mission is clear, its goals well-articulated, and its agency management strategy unified in purpose; and

WHEREAS, conducting a thorough performance review of State agency programs and regulations is a necessary step towards implementing a strategic planning process, which is critical to Illinois' future;

THEREFORE, I, George H. Ryan, hereby order the following:

1. There is created the Office of Statewide Performance Review headed by a Director which shall be located within the Office of the Governor.
2. The Office of Statewide Performance Review shall conduct a comprehensive review of each program of every State agency under the jurisdiction of the Governor to assess if the program is vital to address the central mission of the sponsoring agency, or whether the program should be reassigned to a different agency, privatized, or eliminated. Agency programs shall also be evaluated to determine if changes are necessary to improve the quality, scope or efficiency of program services.
3. The Office of Statewide Performance Review shall examine the totality of agency regulations to determine if the regulations are comprehensive, reasonable, prudent and written in a form that aids understanding and compliance.
4. There is created a State Government Accountability Council within the Office of Statewide Performance Review. The Council shall be appointed by the Governor and consist of 25 members. The members shall include, but not be limited to, representatives selected from business, research institutions, State government and the public at large. Members shall serve without compensation, but may be reimbursed for expenses.
5. The Council shall oversee the preparation of a preliminary report to the Governor by January, 2000. The report shall contain the Council's recommendations on the implementation of the first year's

findings of the performance review. In subsequent years, the Council shall assist State agencies in the implementation of ongoing improvements in agency operations and service delivery. The Council shall draw from private sector expertise to form a group of volunteer specialists that can provide immediate assistance to State agencies to resolve critical issues.

6. Upon the effective date of this executive order, each State agency shall designate a person responsible for coordinating the performance review of the programs, regulations, and work processes of the agency. This individual shall work in concert with an agency steering committee composed of management, mid-management, front line staff and support staff members.

7. Each agency shall identify immediate, near-term and long-term opportunities to improve programs and services, as well as specific performance measures that are necessary and appropriate to gauge the success of the agency's core programs. Each agency shall examine the entire body of regulation that guides its operations, programs and service delivery systems to eliminate obsolete, redundant or unreasonable regulations.

8. Each agency shall utilize the tools of strategic planning and performance measures to establish its priorities and measure progress toward its stated goals. Each agency shall develop performance measures to assess customer satisfaction, progress towards accomplishing outcomes specified in agency budgets and shall develop procedures to provide feedback on the impact of operational improvements and encourage employee involvement and management improvement initiatives.

9. Each agency shall develop a plan for operational improvement that documents efforts to date and addresses the above areas. These plans shall be submitted to the Office of Statewide Performance Review no later than May 1, 1999.

10. Thereafter, each agency shall report the results of progress made through its improvement efforts to the Office of Statewide Performance Review and the Council on a quarterly basis. The reports shall specify improved outcomes for public service efficiency and effectiveness. The reports shall also describe how customer service and stakeholder satisfaction is measured, methods used to engage employees in the program and how agency business practices have been changed to improve efficiency, effectiveness and quality.

11. Beginning with State Fiscal Year 2001, each new agency initiative which requires State funding shall be linked directly to outcome indicators which can be used to evaluate the success of the initiative. By July 1, 1999, the Office of Statewide Performance Review and the Bureau of the Budget shall jointly develop criteria that ensures such linkage exists before additional funding is approved.

12. The Office of the Statewide Performance Review shall utilize the assistance and support of the Office of Strategic Planning and the Bureau of the Budget.

13. This Executive Order shall be effective immediately.

Issued by the Governor March 10, 1999.

Filed by the Secretary of State March 10, 1999.

99-8

**EXECUTIVE ORDER CREATING
THE ILLINOIS OFFICE OF STRATEGIC PLANNING**

WHEREAS, Illinois is operating in an ever-changing, increasingly complex environment wherein service expectations continue to grow;

WHEREAS, Illinois citizens, like their counterparts in other states, are demanding and deserve public accountability, performance, and results-oriented governmental operations;

WHEREAS, Illinois government must develop and implement statewide service objectives based on external and internal customer and stakeholder driven expectations; and

WHEREAS, delivery of service on these fundamental points requires a comprehensive, strategic outcome-based, future-oriented methodology;

THEREFORE, I, George H. Ryan, hereby order the following:

1. There is created an Illinois Office of Strategic Planning headed by a Director of State Planning which shall be located within the Office of the Governor.
 2. The Illinois Office of Strategic Planning will develop and implement a standardized Strategic Management System for use by State agencies under the jurisdiction of the Governor. Such system will integrate strategic planning with quality efforts, performance planning, outcome-based budgeting, and performance monitoring and reporting.
 3. The Illinois Office of Strategic Planning shall undertake dialogues with customers and stakeholders to incorporate their input in the planning process.
 4. The Illinois Office of Strategic Planning will seek the assistance of Illinois' Higher Education community in the development and implementation of an Illinois "planning for excellence" effort.
 5. The Illinois Office of Strategic Planning shall incorporate into the planning process the Illinois Office of Technology's statewide Information Technology strategic plan and the results of the Statewide Performance Review Project.
 6. The Illinois Office of Strategic Planning shall complete a comprehensive statewide Strategic Plan.
 7. This Executive Order shall be effective upon filing with the Secretary of State.
- Issued by the Governor March 10, 1999.
Filed by the Secretary of State March 10, 1999.

99-9

**AN EXECUTIVE ORDER ON THE
OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE
WITHIN THE ILLINOIS DEPARTMENT OF HUMAN SERVICES**

WHEREAS, drug abuse is on the rise, especially among young people, and alcoholism and substance abuse carry heavy costs for all Illinois residents; and

WHEREAS, there are costs and suffering associated with substance abuse resulting in child and domestic abuse, teen pregnancy, increased school dropout rates and community violence, and an inability to achieve self-sufficiency; and

WHEREAS, there is a cost to society from crime and the incarceration of criminals, short-term and long-term health care, on-going welfare services, losses in productivity and poor schooling that results in remedial education; and

WHEREAS, it is important to make substance abuse prevention and treatment a top priority for Illinois State government; and

WHEREAS, treatment of alcoholism and substance abuse has been shown to improve individuals' likelihood of becoming self-sufficient and that treatment services require a comprehensive, scientific approach to be effective; and

WHEREAS, ongoing substance abuse treatment is a critical step in assuring that Illinois meets its welfare reform goals and helps those former welfare recipients laboring under substance abuse problems make a successful transition to work; and

WHEREAS, the need for treatment programs for ex-offenders who are returned to society is increasing to ensure that a former inmate's transition back into society is drug free; and

WHEREAS, prevention programs, especially those directed to young people, reduce and prevent involvement with alcohol and substance abuse; and

WHEREAS, the Illinois Department of Human Services has an established office dedicated to Alcoholism and Substance Abuse; and

WHEREAS, the Office of Alcoholism and Substance Abuse has already begun the work of coordinating services among community providers, welfare recipients, ex-offenders, and persons with mental illness in the area of alcohol and substance abuse; and

WHEREAS, there is a continuing need for the State of Illinois to promote and support services and programs to attack the issues of alcoholism and substance abuse.

THEREFORE, I, George H. Ryan, hereby order the following:

1. The Office of Alcoholism and Substance Abuse within the Illinois Department of Human Services shall report directly to the Secretary of that agency and shall provide periodic reports to the Governor.
2. The Office of Alcoholism and Substance Abuse shall convene a summit of community-based substance abuse prevention and treatment providers who deal with young people to identify service and funding gaps in services and make recommendations to the Governor.
3. The Office of Alcoholism and Substance Abuse is hereby designated as the lead agency for all substance abuse services for the State of Illinois and shall be responsible for coordinating the efforts of

State programs dealing with this critical problem and maximizing the effectiveness of new and existing resources available for this purpose in order to expand and increase the availability and effectiveness of accessible and appropriate community-based treatment and prevention programs for the citizens of this State.

This Executive Order Number 9 (1999) shall be effective upon filing with the Secretary of State.

Issued by the Governor March 16, 1999.

Filed by the Secretary of State March 16, 1999.

PROCLAMATIONS

99-78

DAY OF PRAYER (Revised)

WHEREAS, prayer has aided us when support and guidance is needed; and WHEREAS, the history of our country has been shaped by leaders who voluntarily called upon a higher power whether the need be great or small; and WHEREAS, the citizenry of Illinois is a diverse people, with nearly every nation and a variety of religious traditions represented; and WHEREAS, it is fitting that we should give thanks to the freedom and prosperity which our nation and state enjoys; and WHEREAS, the State of Illinois and the United States of America can and will benefit from prayer:

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim May 6, 1999, as a DAY OF PRAYER in Illinois and encourage the return of strong moral character in the lives of the people of Illinois and throughout the world.

Issued by the Governor March 17, 1999.

Filed by the Secretary of State March 22, 1999.

99-91

SKY AWARENESS WEEK

WHEREAS, Sky Awareness Week was started in 1991 to increase people's knowledge, awareness, and appreciation of the sky and the life-sustaining sun, air, and water; and

WHEREAS, Sky Awareness Week provides an opportunity to emphasize the importance of protecting these valuable environmental resources. Air and water quality, ozone depletion, and global warming are all areas of concern which need to be intensely studied and addressed; and

WHEREAS, valuable information about cloud types, weather patterns, and atmospheric change can be obtained through studies of the sky; and

WHEREAS, during Sky Awareness Week, weather broadcasters, teachers, nature and science center staffs, planetarium personnel, and others are encouraged to promote appreciation of the sky as a natural resource, a vehicle for studying science, and an object of wondrous beauty;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 18-24, 1999, as SKY AWARENESS WEEK in Illinois and urge our citizens to look up and enjoy the sky.

Issued by the Governor March 17, 1999.

Filed by the Secretary of State March 22, 1999.

99-92

DISASTER AREA - KANKAKEE COUNTY

An Amtrak train derailment occurring in Bourbonnais on Monday, March 15, 1999, resulted in numerous injuries and 11 fatalities. It was necessary for the State of Illinois to assist local government during disaster response.

In the interest of responding to the threat imposed to public health and safety as a result of the train derailment, I hereby proclaim that a disaster exists in Kankakee County, pursuant to the provisions of Section 3305/7 of the

Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local government in disaster response, and to provide reasonable and necessary emergency measures.

Issued by the Governor March 18, 1999.

Filed by the Secretary of State March 18, 1999.

99-81

POLISH WOMEN'S CIVIC CLUB, INC. DAY (Revised)

WHEREAS, the Polish Women's Civic Club, Inc. has been assisting those in need in both Poland and Chicagoland; and

WHEREAS, for the past 75 years the Polish Women's Civic Club, Inc. has remained focused upon its object of philanthropy; and

WHEREAS, nearly \$10,000 in scholarships by the organization; and students for college or professional schools by the organization; and

WHEREAS, the Polish Women's Civic Club continues to assist children, the aged and the sick just as they did during the Great Depression; and

WHEREAS, the Polish Women's Civic Club helps to preserve and foster the culture and traditions of Poland in Illinois; and

WHEREAS, the 75th anniversary of this organization will be celebrated at the Starlight Inn in Schiller Park, Illinois, at noon on April 18, 1999 and

presided over by President Felicia Krupinski;

WHEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 18, 1999, as POLISH WOMEN'S CIVIC CLUB, INC. DAY in Illinois.

Issued by the Governor March 15, 1999.

Filed by the Secretary of State March 26, 1999.

99-87

MUSIC EDUCATION DAY (Revised)

WHEREAS, music in the schools of Illinois is designed to bring about recognition of the vital place of music in the educational process; and

WHEREAS, music is a powerful and aesthetic force that gives our young people a sense of civilization because it dignifies the realm of feeling by merging intellect and emotion in the search for a humane way of life; and

WHEREAS, music is a basic influence in the lives of millions of people who participate in performing, listening and observing experiences developed through music in schools; and

WHEREAS, Music Education Day at our Capitol is a special opportunity for citizens to understand and support the ongoing process of music education; and

WHEREAS, it is fitting for the State of Illinois to recognize music in our schools as an essential part of the learning process and to encourage and support this basic art form in the curriculum of the schools of Illinois;

WHEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 18, 1999, as MUSIC EDUCATION DAY in Illinois.

Issued by the Governor March 16, 1999.

Filed by the Secretary of State March 26, 1999.

WHEREAS, the spirituality and general welfare of all juveniles and adults incarcerated by the Illinois Department of Corrections is enhanced by the efforts and support of its volunteer workers; and

WHEREAS, the men and women serving as Illinois Department of Corrections Volunteers help in many ways including working with inmates on educational goals, supplementing staff, and providing services and goods; and

WHEREAS, these public servants gain personal satisfaction for their efforts while improving the lives of those who are incarcerated; and

WHEREAS, these Illinois Department of Corrections Volunteers bring with them a range of talents and interests which can be well used at any facility;

WHEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 18-24, 1999, as ILLINOIS DEPARTMENT OF CORRECTIONS VOLUNTEER WEEK in Illinois.

Issued by the Governor March 18, 1999.

Filed by the Secretary of State March 26, 1999.

99-94

INFANT IMMUNIZATION AWARENESS WEEK

WHEREAS, early immunizations for preventable diseases such as diphtheria, pertussis, tetanus, polio, measles, mumps, rubella, Haemophilus influenzae type b meningitis and hepatitis B are necessary to maintain our children's health and well-being; and

WHEREAS, 98 percent of the nearly 2 million children enrolled in Illinois schools are fully immunized, but only 76 percent of 2-year-old children are properly immunized; and

WHEREAS, it is recommended that all children be immunized as early in life as medically recommended, rather than waiting until the child enters school; and

WHEREAS, preventing disease is more cost effective than treating illnesses, and immunizations are a proven method of prevention; and

WHEREAS, the Illinois Department of Public Health in conjunction with local health departments, hospitals, public vaccine providers, other community organizations and the U. S. Centers for Disease Control and Prevention have joined together to launch "Immunization: Our Work Has Just Begun," a national immunization campaign; and

WHEREAS, this campaign is designed to increase parents' understanding of age appropriate immunizations and to expand proper immunization practices among health care providers;

WHEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 18-24, 1999, as INFANT IMMUNIZATION AWARENESS WEEK in Illinois.

Issued by the Governor March 18, 1999.

Filed by the Secretary of State March 26, 1999.

99-95

PROTECTING ILLINOIS CHILDREN WEEK

WHEREAS, it is our mission to prevent child abuse and reduce violence; and WHEREAS, it is important and necessary to increase community awareness of the need to reduce violence at school and where children play; and

WHEREAS, it is important to encourage children at an early age to be sensitive to friends who may be in trouble and to seek help from responsible adults; and

WHEREAS, it is advantageous to the children of Illinois to support a public education effort focusing on reducing violence among children; and

WHEREAS, Sammy Sosa of the Chicago Cubs has joined the crusade to protect our youth, and encourages children and parents to practice healthy family development; and

WHEREAS, it is a goal of the Office of the Governor and the State of Illinois to elevate the status of child-safety efforts through the newly-developed curriculum and school safety pilot program;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 18-25, 1999, as PROTECTING ILLINOIS CHILDREN WEEK in Illinois.

Issued by the Governor March 18, 1999.

Filed by the Secretary of State March 26, 1999.

99-96

RECORDS AND INFORMATION MANAGEMENT WEEK

WHEREAS, the management of records and information is critical to every business organization and government agency in facing the complexities of competition, customer service and globalization; and

WHEREAS, technologies for storing information are expanding the amounts of information that can be acquired, with increasing longevity; and

WHEREAS, the need to use information to create value and plan strategically is a driving force in today's world; and

WHEREAS, control of records and information is necessary for reduction of risk and liability as well as for compliance with global standards; and

WHEREAS, the citizens of Illinois should recognize the important service performed by records and information professionals;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 4-10, 1999, as RECORDS AND INFORMATION MANAGEMENT WEEK in Illinois.

Issued by the Governor March 18, 1999.

Filed by the Secretary of State March 26, 1999.

99-97

SEXUAL ASSAULT AWARENESS MONTH

WHEREAS, 1.3 sexual assaults occur every minute; and

WHEREAS, one out of three girls and one out of every five boys will be sexually abused before the age of 18; and

WHEREAS, in Illinois, 4,033 adults reported sexual assault to law enforcement officials in 1997 and 9,664 children were identified by the Department of Children and Family Services as sexual abuse victims between July 1996 and June 1997; and

WHEREAS, up to 92 percent of all women have been sexually harassed in the workplace or school; and

WHEREAS, 84 percent of rapists are relatives, friends, neighbors or acquaintances of the victim; and

WHEREAS, only seven percent of sexual assault victims report the crime to law enforcement officials or child protective services; and

WHEREAS, sexual assault, sexual abuse and sexual harassment are overwhelming moral, economic and public health burdens; and

WHEREAS, support and counseling for sexual assault survivors are necessary to recover from the trauma of victimization; and

WHEREAS, education about the crimes of sexual assault, sexual abuse and the impact of sexual harassment is essential to end sexual violence and advance equality, safety and respect among all individuals;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1999 as SEXUAL ASSAULT AWARENESS MONTH in Illinois.

Issued by the Governor March 18, 1999.

Filed by the Secretary of State March 26, 1999.

99-98

VETERINARY MEDICAL EDUCATION WEEK

WHEREAS, the veterinary medical profession benefits every person in Illinois; and

WHEREAS, veterinarians serve citizens by providing care to companion animals and livestock; and

WHEREAS, veterinarians are also dedicated to medical research, food safety and other health issues; and

WHEREAS, the College of Veterinary Medicine is also celebrating 50 years of the state's only veterinary college. The college has produced nearly 3,000 graduates, scores of scientific innovations and has aided thousands of animals;

WHEREAS, Veterinary Medical Education Week is sponsored each year by the University of Illinois student chapter of the American Veterinary Medical Association;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 4-10, 1999, as VETERINARY MEDICAL EDUCATION WEEK in Illinois.

Issued by the Governor March 18, 1999.

Filed by the Secretary of State March 26, 1999.

99-99

ZETA PHI BETA SORORITY WEEK

WHEREAS, the Zeta Phi Beta Sorority was founded in 1920 on the campus of Howard University; and

WHEREAS, the organization's purpose is to encourage the highest standards of scholarship through scientific, literacy, cultural and educational programs; to promote service projects on college campuses and in the community; and to foster sisterhood and exemplify the ideal of finer womanhood; and

WHEREAS, Zeta Phi Beta Sorority has been active in the Springfield and Decatur communities since February 18, 1981; and

WHEREAS, the Springfield/Decatur Chapter of Zeta Phi Beta has presented a Women's Health Fair, a Breast Cancer Seminar, a Kwanzaa Exhibit, a voter registration drive, and participates in Helping Hands, Head Start, the Sojourn House and numerous other community organizations; and

WHEREAS, Zeta Phi Beta has devised a 21st Century Seven Point Plan of Action that will focus on education, community volunteerism, drug and substance abuse prevention, health and wellness awareness, economic development, governmental affairs and chapter management;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 21-28, 1999, as ZETA PHI BETA SORORITY WEEK in Illinois.

Issued by the Governor March 18, 1999.

Filed by the Secretary of State March 26, 1999.

99-100 4-H DAY

WHEREAS, 4-H is the largest youth organization in the State of Illinois challenging more than 250,000 Illinois youth and adults with unique "hands on" learning each year; and

WHEREAS, 4-H is an effective educational program based on the expertise of the United States Department of Agriculture and the University of Illinois Extension planned by local, county and state committees; and

WHEREAS, more than 20,000 caring, nurturing adults work together with 4-H youth in family and community environments to create real life learning laboratories that help youth practice skills they need today and will using in their future; and

WHEREAS, 4-H enriches Illinois youth with important programs that make countless differences in the lives of youth and adults and the communities in which they live; and

WHEREAS, 4-H is a family and community effort supplementing and complementing the home and school with action-oriented and practical educational experiences;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 23, 1999, as 4-H DAY in Illinois and urge the citizens of Illinois to recognize the important accomplishments of Illinois 4-H members.

Issued by the Governor March 22, 1999.

Filed by the Secretary of State March 26, 1999.

99-101

TRINITY CHRISTIAN COLLEGE DAY

WHEREAS, since its founding in 1959, Trinity Christian College has provided its students with an excellent Christian higher education offering majors in the arts, humanities, social sciences, and natural sciences as well as professional programs in accounting, business administration, nursing, education, computer science, pre-medicine, and pre-law; and

WHEREAS, Trinity College seeks to graduate students who are well equipped to bring the habits of rigorous academic work into their chosen vocations and the practice of service toward others into their personal and public lives; and

WHEREAS, all programs are grounded on a core curriculum that address the enduring issues and questions of human experience, and teach students to explore and apply a world-and-life view to all areas of learning, living, and working; and

WHEREAS, Trinity will celebrate its 40th Anniversary on April 26, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 26, 1999, as TRINITY CHRISTIAN COLLEGE DAY in Illinois.

Issued by the Governor March 22, 1999.

Filed by the Secretary of State March 26, 1999.

99-102

ARMENIAN MARTYRS DAY

WHEREAS, the Armenian community is commemorating the 84th Anniversary of the Armenian Genocide; and

WHEREAS, 84 years ago Armenians were forced to witness the genocide of their

relatives and the loss of their ancestral homelands; and

WHEREAS, the extermination of 1.5 million Armenians and the forced deportation of countless others by the Ottoman Turks between the years of 1915 and 1923 is recognized every year; and

WHEREAS, the Armenians continue to be a people full of hope, working side-by-side for the future of Armenia. Through their faith and pride in their heritage, the Armenians remain a strong and courageous people working toward rebuilding a firm foundation for Armenia; and

WHEREAS, Armenian-Americans have been forefront in their efforts to preserve their culture, heritage and language;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 1999, as ARMENIAN MARTYRS DAY in Illinois in remembrance of the 84th Anniversary of the Armenian Genocide.

Issued by the Governor March 23, 1999.

Filed by the Secretary of State March 26, 1999.

99-103

OUR WORLD-UNDERWATER SCHOLARSHIP SOCIETY DAYS

WHEREAS, the Our World-Underwater Scholarship Society began in 1974 as an extension of Our World-Underwater, a three day conference held annually in Chicago; and

WHEREAS, Our World-Underwater is the largest symposium in the United States devoted to scuba diving, underwater exploration and preservation of the marine and freshwater environments; and

WHEREAS, Our World-Underwater's mission to promote educational activities associated with the underwater world was realized primarily through an annual scholarship, the Our World-Underwater Scholarship Society, which is designed to expose a qualified young person to a wide range of experiences in various marine-related fields; and

WHEREAS, Our World-Underwater Scholarship Society's mission is to promote educational activities related to the underwater world, including all the waters of Illinois and the Great Lakes; and

WHEREAS, scholarship winners are able to participate in field studies, underwater research, scientific expeditions, laboratory assignments, equipment testing and design, photographic instruction and other specialized assignments;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 16-18, 1999, as OUR WORLD-UNDERWATER SCHOLARSHIP SOCIETY DAYS in Illinois.

Issued by the Governor March 23, 1999.

Filed by the Secretary of State March 26, 1999.

99-104

AMERICAN POW/MIA RECOGNITION DAY

WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as Missing in Action; and

WHEREAS, American Prisoners of War have often suffered unconscionable treatment despite international codes on the subject; and

WHEREAS, many Prisoners of War have died as a result of cruel and inhumane acts by their enemy captors; and

WHEREAS, it is fitting that we recognize the sacrifices of American

Prisons of War and those Missing in Action;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 9, 1999, as AMERICAN POW/MIA RECOGNITION DAY in Illinois and urge all citizens of Illinois to honor the memory of these brave Americans.

Issued by the Governor March 24, 1999.
Filed by the Secretary of State March 26, 1999.

99-105

D.A.R.E. DAY

WHEREAS, D.A.R.E. (Drug Abuse Resistance Education) is the largest drug abuse and violence prevention education program in the United States and has now been taught to more than 30 million children in kindergarten through the 12th grade; and

WHEREAS, D.A.R.E. is celebrating its 16th anniversary this year; and
WHEREAS, D.A.R.E. is a cooperative effort among law enforcement officials, the educational system and the community which provides students accurate information about alcohol and drugs, enhances students' decision-making skills, informs students of the consequences of their behavior and builds students' self-esteem while encouraging them to resist peer pressure; and

WHEREAS, the D.A.R.E. core curriculum emphasizes the importance of resolving conflicts without the use of violence and provides young people with a better understanding of the consequences they face when joining gangs and participating in acts of violence; and

WHEREAS, D.A.R.E. provides parents important information and detailed guidance to further their children's development and to reinforce decisions to lead drug-free lives; and

WHEREAS, D.A.R.E. is now taught in Illinois by more than 700 experienced and accomplished D.A.R.E. officers in more than 2,400 classrooms, reaching some 200,000 students annually; and

WHEREAS, today and throughout the year, we should recognize this program as a model of effective, grassroots organization and commend D.A.R.E. officers for their dedicated efforts to promoted health and safety. These caring men and women are joining parents and concerned citizens to help children lead safe, healthy, productive lives;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 8, 1999, as D.A.R.E. DAY in Illinois in recognition of the significant role this program plays in the well-being of our future generations.

Issued by the Governor March 24, 1999.
Filed by the Secretary of State March 26, 1999.

99-106

GREEK INDEPENDENCE DAY

WHEREAS, the 178th Anniversary of Greek Independence will be celebrated March 25, 1999, by people of Greek origin to commemorate their freedom from Ottoman oppression; and

WHEREAS, on March 29, 1999, the parade commemorating the Hellenic Experience will take place in Chicago, in Greek Town; and

WHEREAS, the 1999 parade theme is "Our Unforgettable Roots" and the Grand Marshal is Dr. Vasilios Fotios; and

WHEREAS, Greece is universally acknowledged to have been "the cradle of

democracy" and people of independent nations everywhere are indebted to the Greek formulation of principles of self-government; and

WHEREAS, the nation of Greece has contributed immeasurably to the ideals of freedom and democracy and to the rich heritage that forms the foundation of western civilization; and

WHEREAS, Illinoisans of Greek ancestry have been closely identified with the educational, professional, economic, religious, and cultural progress of our state since its earliest days;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25, 1999, as GREEK INDEPENDENCE DAY in Illinois and urge all citizens to be cognizant of the special events arranged for this time.

Issued by the Governor March 24, 1999.
Filed by the Secretary of State March 26, 1999.

99-107

ILLINOIS HEALTH CARE ASSOCIATION WEEK

WHEREAS, the elderly residents of long-term care facilities have led exceptional and extraordinary lives which have helped to make Illinois great; and

WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged and chronically ill citizens; and

WHEREAS, this dedication has been forcefully demonstrated through continual striving to upgrade standards of care and improve service; and

WHEREAS, the Long Term Care Nurses Association is contributing to "A Celebration of Life" activities in observance of National Nursing Home Week beginning May 9, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 9-15, 1999, as ILLINOIS HEALTH CARE ASSOCIATION WEEK in Illinois.

Issued by the Governor March 24, 1999.
Filed by the Secretary of State March 26, 1999.

99-108

ILLINOIS SECURITY CHIEFS ASSOCIATION DAY

WHEREAS, the Illinois Security Chiefs Association (ISCA) will be celebrating its 30th anniversary; and

WHEREAS, ISCA is comprised of "Security Professionals" from the private and public sector of law enforcement as well as individuals who are responsible for the administration of loss prevention programs for business and industry; and

WHEREAS, ISCA provides a forum for the exchange of information pertaining to developments and innovations of guard services and security technology; and

WHEREAS, numerous individuals dedicated to protecting the lives and property of others will be honored for their dedicated service at the ISCA award ceremony;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 27, 1999, as ILLINOIS SECURITY CHIEFS ASSOCIATION DAY in Illinois.

Issued by the Governor March 24, 1999.
Filed by the Secretary of State March 26, 1999.

99-109

STUDENT-ATHLETE DAY

WHEREAS, perseverance, teamwork, self-discipline, commitment to a goal and the belief in racial, gender and ethnic equality are fostered by and promoted by both academic and athletic pursuits; and

WHEREAS, it takes tremendous dedication and hard work for a student-athlete to be successful both in the classroom and on the athletic field; and

WHEREAS, the student-athletes who have found the balance between academics and athletics should be looked at as role models for the youth of America; and

WHEREAS, student-athletes have gone on to become many of this country's business, governmental, community and educational leaders; and

WHEREAS, thousands of America's youth use their athletic ability to allow them to obtain an education and develop skills that help them later in life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6, 1999, as STUDENT-ATHLETE DAY in Illinois.

Issued by the Governor March 24, 1999.

Filed by the Secretary of State March 26, 1999.

99-96

RECORDS AND INFORMATION MANAGEMENT WEEK (Revised)

WHEREAS, the management of records and information is critical to every business organization and government agency in facing the complexities of competition, customer service and globalization; and

WHEREAS, technologies for storing information are expanding the amounts of information that can be acquired, with increasing longevity; and

WHEREAS, the need to use information to create value and plan strategically is a driving force in today's world; and

WHEREAS, control of records and information is necessary for reduction of risk and liability as well as for compliance with global standards; and

WHEREAS, the citizens of Illinois should recognize the important service performed by records and information professionals;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 4-10, 1999, as RECORDS AND INFORMATION MANAGEMENT WEEK in Illinois.

Issued by the Governor March 18, 1999.

Filed by the Secretary of State April 1, 1999.

99-110

ASSYRIAN NEW YEAR DAY

WHEREAS, on April 1, 1999, the Assyrian American community will celebrate their 6749 New Year; and

WHEREAS, the color green will dominate the New Year festivities, as it stands for "New Life;" and

WHEREAS, Ninus Lazer, the Midwest Regional Director for the Assyrian American National Federation, has planned many days of cultural activities to mark this New Year; and

WHEREAS, the Assyrian New Year Parade will be held Sunday, April 4, 1999, on King Sargon Boulevard, between Peterson and Pratt Roads, in Chicago, Illinois; and

WHEREAS, the Assyrian American Association on Devon Avenue in Chicago will have a New Year program April 1st and the annual banquet will be held April 4th

in the Hanging Gardens Banquet Hall; and

WHEREAS, the Assyrian American community has made significant contributions in all areas of life including education, medicine, science, business, arts, government and public service in Illinois; and

WHEREAS, the Assyrian New Year is one of the most important religious and celebrated holidays of the Assyrian community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1, 1999, as ASSYRIAN NEW YEAR DAY in Illinois.

Issued by the Governor March 25, 1999.

Filed by the Secretary of State April 1, 1999.

99-111

CHICAGO MEMORIAL PARADE DAY

WHEREAS, the 1999 Chicago Memorial Day Parade is an historical event that pays tribute to all those who have given their life in defense of the United States of America; and

WHEREAS, a wreath-laying ceremony will commence the day's activities at the Eternal Flame in Daley Plaza; and

WHEREAS, Irv Kupcinet, who is grand marshal of the parade, will be presented with the first General John Logan Chicago Patriot Award for his many years of sponsorship of the Purple Heart Cruises for veterans; and

WHEREAS, the 1999 Chicago Memorial Day Parade is the second Memorial Day Parade to be held after a 20-year hiatus; and

WHEREAS, the 1999 Chicago Memorial Day Parade will have numerous floats, bands and marchers to commemorate this important event;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 22, 1999, as CHICAGO MEMORIAL PARADE DAY in Illinois.

Issued by the Governor March 25, 1999.

Filed by the Secretary of State April 1, 1999.

99-112

LINDA RENEE BAKER DAY

WHEREAS, Linda Renee Baker was appointed on January 15, 1999, to serve as the Director of the Illinois Department of Employment Security supervising 2,200 employees and overseeing a budget of \$234 million; and

WHEREAS, Director Baker was appointed on September 1, 1995, by Governor Jim Edgar to serve as Assistant Director for the Illinois Department of Public Aid; and

WHEREAS, Ms. Baker was appointed as the first African-American Legislative Liaison to the Illinois House of Representatives by Governor Jim Edgar; and

WHEREAS, she also served as the Director of Legislative Affairs for the Illinois Department of Professional Regulation; and

WHEREAS, Ms. Baker has served the citizens of Illinois for more than a decade in her various state government roles; and

WHEREAS, Ms. Baker is committed to community involvement and volunteerism and has been recognized by several organizations for her efforts, including the American Red Cross and St. Mary's Hospital; and

WHEREAS, on Wednesday, March 31, 1999, friends, family and community leaders will hold a reception to celebrate her professional career and personal achievements as a role model for women, minorities and especially young people;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 31, 1999, as LINDA RENEE BAKER DAY in Illinois.

Issued by the Governor March 25, 1999.
Filed by the Secretary of State April 1, 1999.

99-113

PUBLIC HEALTH WEEK

WHEREAS, the improvement in the quality of life and health of our citizens depends on programs and services that emphasize the prevention of disease, disability and dependence; and

WHEREAS, April 5-11 has been designated as National Public Health Week by the American Public Health Association and other distinguished national organizations; and

WHEREAS, the Illinois Public Health Association, together with many other state organizations, has dedicated the first full week of April to showcase public health accomplishments; and

WHEREAS, all observances will be used as a means to improve understanding about and appreciation for the essential role that public health and population-based programs have in the health care system; and

WHEREAS, the observation is a cooperative effort between state and local health departments, academic institutions, allied organizations, community groups and professional and trade associations which have joined together to promote a common interest in public health and a population-focused, community prevention approach to better health care; and

WHEREAS, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal, community and environmental health through organized activities in the areas of education, research and health policy development;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 5-11, 1999, as PUBLIC HEALTH WEEK in Illinois.

Issued by the Governor March 25, 1999.
Filed by the Secretary of State April 1, 1999.

99-114

AUTISM AWARENESS MONTH

WHEREAS, autism is a severely incapacitating, lifelong developmental disability resulting in significant impairment of an individual's ability to learn, develop healthy interactive behaviors and understand verbal, nonverbal and reciprocal communication; and

WHEREAS, autism is the fourth most common developmental disability affecting an estimated 550,000 individuals nationally and one in every 1,000 individuals in the State of Illinois; and

WHEREAS, autism is the result of a neurological disorder affecting the functioning of the brain; however, few members of the general public understand this complex syndrome; and

WHEREAS, although a cure for autism has not been discovered, persons with autism can be helped to reach their greatest potential. Accurate, early diagnosis and appropriate education and intervention are vital to the future growth and development of the individual; and

WHEREAS, support groups, such as the Autism Society of Illinois and Illinois

Chapters of the Autism Society of America, have dedicated years of service in the advocacy for the rights, humane treatment and appropriate education of all persons with autism; and

WHEREAS, these groups remain committed to their cause and to educating families, professionals and the public to better understand this disability; and

WHEREAS, autism is a complex disability that requires increased research to one day find a cure;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1999 as AUTISM AWARENESS MONTH in Illinois.

Issued by the Governor March 26, 1999.

Filed by the Secretary of State April 1, 1999.

99-115

FRANCIS CARDINAL GEORGE DAY

WHEREAS, Francis Cardinal George was appointed by Pope John Paul II as the archbishop of Chicago on April 8, 1997, at the Holy Name Cathedral; and

WHEREAS, Francis Cardinal George was elevated to the College of Cardinals on February 21, 1998, in ceremonies at the Vatican; and

WHEREAS, Francis Cardinal George is Chicago's sixth Cardinal; and

WHEREAS, Francis Cardinal George will speak on Christian-Jewish relations at Temple Shalom of Chicago; and

WHEREAS, this visit marks the first time Francis Cardinal George has addressed a synagogue audience since being appointed to lead the Chicago archdiocese;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 9, 1999, as FRANCIS CARDINAL GEORGE DAY in Illinois.

Issued by the Governor March 26, 1999.

Filed by the Secretary of State April 1, 1999.

99-116

MODEL "A" DAYS

WHEREAS, the Calumet Region of the Model "A" Restorer's Club is celebrating their 40th anniversary; and

WHEREAS, the Calumet Region of the Model "A" Restorer's Club is hosting the 1999 Model "A" Restorer's Club National Membership Meet; and

WHEREAS, the National Membership Meet, an annual event since 1952, will attract over 50 Model A's from across the nation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 4-10, 1999, as MODEL "A" DAYS in Illinois.

Issued by the Governor March 29, 1999.

Filed by the Secretary of State April 1, 1999.

99-117

FAMILY RESCUE DAY

WHEREAS, Family Rescue has been confronting domestic violence in the Chicagoland community since 1981; and

WHEREAS, Family Rescue provides services to domestic violence victims and their families in residential settings and through a 24-hour crisis hotline;

and WHEREAS, Family Rescue works with city departments, governmental and private agencies, businesses and individuals to facilitate the development of policies and procedures that will encourage a coordinated, compassionate and effective response to victims of domestic violence; and

WHEREAS, Family Rescue seeks to raise public awareness and prevent domestic violence through informal presentations, experimental workshops, seminars and in-depth training; and

WHEREAS, Family Rescue will host a dinner-dance fundraising benefit on Saturday, April 10, 1999, sponsored by the American Academy of Matrimonial Lawyers; and

WHEREAS, Family Rescue is the largest and most diversified agency in Illinois dedicated to assisting the victims of domestic violence;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 10, 1999, as FAMILY RESCUE DAY in Illinois.

Issued by the Governor March 30, 1999.

Filed by the Secretary of State April 1, 1999.

99-118

SAVINGS MONTH

WHEREAS, saving is vital to the financial security of families and future generations; and

WHEREAS, education about financial issues at an early age is an important first step toward understanding the value of personal savings; and

WHEREAS, increased saving will provide investment capital to keep the American economy globally competitive and help maintain our national standard of living; and

WHEREAS, the saving ethic has always been an esteemed part of the American character, with its strong emphasis on economic independence and self-sufficiency;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1999 as SAVINGS MONTH in Illinois.

Issued by the Governor March 30, 1999.

Filed by the Secretary of State April 1, 1999.

99-119

WEEK OF THE YOUNG CHILD

WHEREAS, the Capital Area Association for the Education of Young Children (Capital Area AEEC) is a membership organization of early childhood professionals who serve and act on behalf of children; and

WHEREAS, the membership of Capital Area AEEC strives to advocate and educate on behalf of the rights and needs of young children; and

WHEREAS, the Week of the Young Child is an advocacy campaign sponsored by the National Association for the Education of Young Children and supported by Capital Area AEEC together with other AEEC affiliates across Illinois; and

WHEREAS, the purpose of Week of the Young Child is to mobilize our communities to positive action on behalf of the rights and needs of young children; and

WHEREAS, the week of April 18-24, 1999, has been set aside as Week of the Young Child, with the focus on the need for high-quality early childhood

services for all children through the combined efforts of parents, community leaders, and teachers in collaboration with other organizations throughout Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 18-24, 1999, as the WEEK OF THE YOUNG CHILD in Illinois and urge all citizens to take cognizance of the special events arranged for this time.

Issued by the Governor March 30, 1999.

Filed by the Secretary of State April 1, 1999.

99-120

NURSES WEEK

WHEREAS, there are 136,000 Registered Nurses in Illinois; and

WHEREAS, the registered nursing profession meets the different and emerging health care needs of the Illinois population in a wide range of settings; and

WHEREAS, a renewed emphasis on primary and preventive health care will require the better utilization of our state's registered nursing resources; and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging American population, the continuing growth of life-sustaining technology and the explosive growth of home health care services; and

WHEREAS, the American Nurses Association and the Illinois Nurses Association, as the voice for registered nurses of this country and state, are working to chart a new course for a healthy nation that relies on increasing delivery of primary health care and patient advocacy; and

WHEREAS, along with the American Nurses Association, the Illinois Nurses Association has declared the week of May 6-12 as National Nurses Week 1999 with the theme "Nursing: Healing from the Heart" in celebration of the ways in which registered nurses strive to provide safe and high quality patient care and map out ways to improve our health care system;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 1999, as NURSES WEEK in Illinois.

Issued by the Governor March 31, 1999.

Filed by the Secretary of State April 1, 1999.

99-121

TELECOMMUNICATOR WEEK

WHEREAS, public safety telecommunications, specialists in operating state-of-the-art radio and computer-aided communications systems, are a cornerstone of the public safety community; and

WHEREAS, every hour of every day, telecommunications access, monitor and disseminate information of critical importance to the safety of public officials and the success of public safety goals; and

WHEREAS, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property and individual rights of the citizens of the State of Illinois; and

WHEREAS, it is appropriate that we demonstrate our appreciation for the knowledge, training, service and dedication these professional men and women bring to Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 11-17, 1999, as TELECOMMUNICATOR WEEK in Illinois.

Issued by the Governor March 31, 1999.

Filed by the Secretary of State April 1, 1999.

99-122

WELDING WEEK

WHEREAS, welding is a profession requiring considerable training and specialized study; and

WHEREAS, the application of that training and specialized study is critical to the general well-being of the country and calls for a constant stream of operators, designers, inspectors, engineers, teachers and scientists from our schools and universities; and

WHEREAS, the American Welding Society, founded in 1919, is celebrating 80 years of service with over 50,000 members worldwide to advance the science, technology and application of welding through section activities, educational programs and conferences, technical publications, certifications, scholarships, research grants and an annual convention; and

WHEREAS, the American Welding Society Section 14, which represents Illinois, Missouri, Indiana and Kentucky, wishes to remind the public of the critical importance of welding and its daily impact on our quality of life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 11-17, 1999, as WELDING WEEK in Illinois.

Issued by the Governor March 31, 1999.

Filed by the Secretary of State April 1, 1999.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number. Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatala@cs.state.il.us (Internet address).

PROPOSED

17-530-17
17-550-17
17-570-17
17-690-17
17-715-17
17-720-17
17-730-17
17-740-17
17-2080-17
35-702-17
35-703-17
35-720-17
35-721-17
35-724-17
35-725-17
35-726-17
35-728-17
35-733-17
47-360-17
59-101-17
59-112-17
77-675-17
89-112-17

ADOPTED

2-1025R-17
77-905-17
89-677-17
92-386-17
92-390-17
92-391-17
92-392-17
92-393-17
92-395-17
92-396-17
92-397-17

EMERGENCY

59-101-17

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